# CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY AGENDA
# 900 WEST MARION AVENUE, PUNTA GORDA, FLORIDA 33950
# FEBRUARY 1, 2023, 9:00 AM

**MEMBERS**

Lynne R. Matthews, Mayor
Melissa Lockhart, Vice-Mayor
Donna C. Peterman, Councilmember
William Dryburgh, Councilmember
Mark Kuharski, Councilmember
Charles Counsil, Commissioner

**CITY OFFICIALS**

Gregory B. Murray, City Manager
Karen Smith, City Clerk
David Levin, City Attorney

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**CALL TO ORDER**
Roll Call
Invocation
Pledge of Allegiance
Announcements
Next Meeting - February 15, 2023

1. **AGENDA APPROVAL**

2. **PROCLAMATIONS / PRESENTATIONS**

   2.a Recognition of Keith Meyer in the aftermath of Hurricane Ian

   2.b Ann Sentivan Hwass Day

3. **PUBLIC INPUT**

   3.a Anyone wishing to address the Council on any matter must state their name for the record. Each person will be allowed to speak up to a maximum of three minutes.

   3.b Those wishing to introduce themselves as nominees for a board or committee may do so at this time. Those who choose to speak must state their name for the record.

4. **COMMUNITY REDEVELOPMENT AGENCY AGENDA**

   4.a Citizen Comments

   4.b Approval of Minutes: Regular Meeting of January 4, 2023

4.c Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A., for services rendered to the Community Redevelopment Agency by David M. Levin, Esq. through January 25, 2023 in the amount of $123.75

4.d CRA Project Status Report February 2023

4.e Commissioner Comments

4.f Charlotte County's representative on the Punta Gorda CRA recommendation

5. **PUBLIC HEARING AGENDA**
**(Quasi-Judicial and Legislative)**

5.a GA-01-2023 - An Ordinance of the City of Punta Gorda further amending the City of Punta Gorda Police Officers' Retirement System, restated pursuant to Ordinance 1644-10; amending Section 6, Benefit Amounts and Eligibility; amending Section 8, Disability; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date. FIRST READING

5.b CP-05-2022 - An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to reflect the change in the current designation of Highway Commercial Corridor (HCC) to Medium Density Residential (MDR) for 28.53+/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East, being a portion of the parcel described in Official Record Book 3642, Page 473, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; Providing for conflict and severability; and Providing an effective date. SECOND READING

5.c PD-06-2022 - An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning property addressed as 9298 MacEver Street, containing 28.53 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East, being a portion of the parcel described in Official Record Book 3642, Page 473, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; from Highway Commercial (HC) to Planned Development Neighborhood (PDN); Providing for certain modifications to the regulations applicable to the Planned Development Neighborhood zoning classification; Providing for conflict and severability; and Providing an effective date. SECOND READING

6. **ORDINANCES / RESOLUTIONS**
**(No Public Hearing Required)**

6.a GA-02-2023 - An Ordinance Of The City Council Of The City Of Punta Gorda, Florida, Amending Chapter 15, "Offenses And Miscellaneous Provisions," Punta Gorda Code; Amending Chapter 15, Section 15-1, "Definitions," Punta Gorda Code; Amending Chapter 15, Section 15-37, "Carrying Concealed Weapons, Penalty; Officer To Arrest Without Warrant And Upon Probable Cause," Punta Gorda Code; Amending Chapter 15, Section 15-38, "Improper Exhibition Of Dangerous Weapons Or Firearms; Penalty," Punta Gorda Code; Providing For Conflict And Severability; And Providing An Effective Date. SECOND READING

6.b A Resolution of the City Council of the City of Punta Gorda, Florida amending the budget for the fiscal year beginning October 1, 2022 by providing for re-appropriations and supplemental appropriations in the amounts identified in exhibit A; providing for

severability; and providing an effective date.

6.c A Resolution Of The City Of Punta Gorda, Florida supplementing the Quasi-Judicial Hearing Procedures contained in City Of Punta Gorda Resolution No. 3673-22; providing specific deadlines for participating parties in relation to April 19, 2023 public hearings concerning CP-04-2022, an application by ATA Fishville FL, LLC to amend the City Of Punta Gorda Comprehensive Plan Future Land Use Map relating to lands collectively referred to as "Fishermen's Village," And PD-04-2022, an application By ATA Fishville FL, LLC to rezone certain properties to Planned Development Neighborhood; and providing an effective date.

7. **CONSENT AGENDA**

7.a Approval of Minutes: January 18, 2023, Regular City Council Meeting

7.b Invoice of Allen, Norton & Blue, P.A. for legal services rendered on October 25, 2022 in the amount of $150.00

7.c Invoice of Allen, Norton & Blue, P.A. for legal services rendered on December 31, 2022 in the amount of $4,804.08.

7.d Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for legal services rendered through, January 25, 2023, in the amount of $8,786.25.

7.e SV-04-2022 - A resolution of the City Council of the City of Punta Gorda, Florida, declaring its intent to consider vacating a 10-foot wide easement as described in Official Record Book 773, Pages 1649 through 1651, Charlotte County Public Records; and lying in Section 21, Township 41 South, Range 23 East, Charlotte County, Florida, and further bounded and described in Exhibit "A", attached hereto and incorporated herein; requesting a recommendation from the Planning Commission; fixing a public hearing thereon; and Providing an effective date.

7.f SV-03-2022 - A resolution of the City Council of the City of Punta Gorda, Florida, declaring its intent to consider vacating a 15-foot wide easement as described in Official Record Book 774, Pages 649 through 650, Charlotte County Public Records; and lying in Section 21, Township 41 South, Range 23 East, Charlotte County, Florida, and further bounded and described in Exhibit "A", attached hereto and incorporated herein; requesting a recommendation from the Planning Commission; fixing a date of public hearing thereon; and Providing an effective date.

7.g Twin TOT Walk 5K- March 11, 2023.

8. **REGULAR AGENDA**

8.a April 5, 2023, City Council meeting date options, April 6, 7, or 10

8.b Award of agreement to Infinite Construction, LLC of FT Myers, Florida for construction improvements to the Boardwalk and Pier at Ponce de Leon Park, Punta Gorda, Florida.

8.c Award of solicitation to Preferred Materials, Inc, of Lutz, Florida for purchase of marine grade ready mix for the construction of seawall panels.

8.d Public Restroom Facilities - Bailey Brothers Park

8.e Discussion of sod replacement in swale

9. **BOARDS / COMMITTEES**

9.a Charlotte County's representative on the Punta Gorda CRA recommendation

9.b Announcement of Vacancies: Board of Zoning Appeals (1 regular and 2 alternates)

9.c Announcement of Vacancies: Code Enforcement Board (2 regular and 2 alternates)

9.d Announcement of Vacancies: Historic Preservation Advisory Board (2 alternates)

9.e Announcement of Vacancies: Planning Commission (1 alternate)

9.f Announcement of Vacancies: Punta Gorda Isles Canal Advisory Committee

9.g Announcement of Vacancies: Utility Advisory Board

10. **REPORTS FROM CITY OFFICERS**

10.a City Manager
City Attorney
City Clerk

11. **COUNCIL MEMBER COMMENTS**

11.a Mayor
Councilmembers

**ADJOURNMENT**

If any person decides to appeal any decision made by City Council or an Advisory Board/Committee with respect to any matter considered at the meeting or hearing, he or she may need a record of the proceedings, and for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, the location of this public hearing is accessible to persons with disabilities. If you are a person with disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Interpreters for the hearing impaired (TTY 941-575-5013) or non-English speaking citizens, and any other special accommodations can be requested by contacting the Human Resources Manager/Non-Discrimination Coordinator whose address is 326 W. Marion Avenue, Punta Gorda, FL 33950, whose telephone number is (941) 575-3371, and whose email address is humres@pgorda.us at least two (2) calendars days prior to the meeting.

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**PROCLAMATIONS / PRESENTATIONS**

**Title:** Recognition of Keith Meyer in the aftermath of Hurricane Ian

**Funds:**

**Recommended Action:**

**Summary:**

**Department/Division:** City Manager

**EXHIBITS:**

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**PROCLAMATIONS / PRESENTATIONS**

**Title:** Ann Sentivan Hwass Day

**Funds:** Not applicable.

**Recommended Action:** Mayor Matthews will present the proclamation.

**Summary:** Ann Sentivan Hwass Day

**Department/Division:** City Clerk

**EXHIBITS:**

1. Ann Sentivan Hwass Day

# *PROCLAMATION*

## *City of Punta Gorda, Florida*

***WHEREAS,*** Ann Sentivan Hwass was born in Cincinnati, Ohio almost 103 years ago to hardworking German immigrant parents. Her mom was a housewife, and her father was a carpenter; and

***WHEREAS,*** Ann met her future husband, Ed Hwass, on a blind date when he was visiting from Chicago. After their first meeting, they courted by mail – she wrote to him in the morning post and he wrote back in the afternoon. They married after he graduated from law school, but their time together was not long as he was called up by the armed forces to serve in Europe during World War II; and

***WHEREAS,*** after Ed returned from the war, they moved where his work as a corporate lawyer and commercial mortgage broker took them. They moved to Punta Gorda in 1972, back in the days when Fishermen's Village was just a wharf where you could get crabs right off the boat; and

***WHEREAS,*** Ann loves family, friends, and competitive sports. She played softball and basketball in high school and after moving to Punta Gorda she played golf, playing well into her 70s until her granddaughters' school activities and her husband's health took priority; and

***WHEREAS,*** she is a much-loved mother, grandmother, aunt, and friend. She raised 4 children and then at the age of 75 when many people are slowing down, she raised 2 of her 9 grandchildren; and

***WHEREAS,*** at the age of 100, she drove her car, which her children immediately sold thereafter; and

***WHEREAS,*** besides loving her family and friends, Ann loves Punta Gorda. She is grateful to be living out her life in the "Best Little Town in America," where she will celebrate her 103rd birthday on February 4, 2023,

***NOW, THEREFORE***, the City Council of the City of Punta Gorda, Florida does hereby proclaim February 4, 2023, as

## *ANN SENTIVAN HWASS DAY*

***PASSED AND DULY ADOPTED*** in regular session this 1st day of February 2023.

***CITY OF PUNTA GORDA, FLORIDA***

Lynne R. Matthews, Mayor

***ATTEST:***

Karen Smith, City Clerk

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**COMMUNITY REDEVELOPMENT AGENCY AGENDA**

| | |
|---|---|
| **Title:** | Approval of Minutes: Regular Meeting of January 4, 2023 |
| **Funds:** | Not applicable. |
| **Recommended Action:** | Community Redevelopment Agency approval. |
| **Summary:** | Approval of Minutes of the January 4, 2023, regular meeting of the Community Redevelopment Agency. |
| **Department/Division:** | City Clerk |

**EXHIBITS:**

1. January 4, 2023, Minutes

**CITY OF PUNTA GORDA, FLORIDA**
**COMMUNITY REDEVELOPMENT AGENCY MEETING MINUTES**
**JANUARY 4, 2023, 9:00 A.M.**

**COMMISSIONERS PRESENT:** Matthews, Counsil, Dryburgh, Kuharski, Lockhart, Peterman

**CITY EMPLOYEES PRESENT:** Kristin Simeone, Finance; Bryan Clemons, Public Works; Neil Peters, Utilities; Jeff Payne, Human Resources; Joan LeBeau, Urban Design; Pamela Davis, Police; Holden Gibbs, Fire; City Attorney Levin; Executive Director Murray; Recording Secretary Smith

## 4) COMMUNITY REDEVELOPMENT AGENCY AGENDA

**Chair Matthews** called the meeting to order at 10:02 a.m. She then extended her condolences to Commissioner Counsil for the recent loss of his wife.

### 4.a Citizen Comments

None.

### 4.b Approval of Minutes: Regular Meeting of December 7, 2022

***Exhibits:***
Cover Page
December 7, 2022, Minutes

Commissioner Counsil **MOVED** approval of the minutes, **SECONDED** by Commissioner Dryburgh.
**MOTION UNANIMOUSLY CARRIED.**

### 4.c CRA Project Status Report January 2022

***Exhibits:***
Cover Page
Monthly report
Presentation

Executive Director Murray reported on Municipal Marina activity for December 2022, including community room reservations, slip rentals and pump-out vessel operations. He provided project updates on: Historic City Hall Rehabilitation and Expansion (Construction Manager At Risk will review 60% plans); Gilchrist Park/Harborwalk Phase II Parking Improvements (completed – asphalt paving, striping, curb stop placement; electrical work continues; site furnishings on order); A. C. Freeman House Rehabilitation (staff to secure contractual services per State procurement requirements); Laishley Park Splash Pad (staff anticipates agreement negotiations to resume in January).
**Chair Matthews** received confirmation from Executive Director Murray completion of Gilchrist Park improvements was anticipated within the next three months. She then stated Learn to Sail was requesting to use a portable trailer by the Bayfront Activity Center to conduct their program.

**Commissioner Lockhart** received confirmation from Executive Director Murray that the Boy Scouts' plaque and the archway at the Bayfront Activity Center had been identified.
**Chair Matthews** inquired if local historic groups were still discussing assisting with financing for the A.C. Freeman house's restoration.
**Commissioner Peterman** replied the groups had been waiting to see the direction the City would take, noting there was much enthusiasm for same.
**Chair Matthews** opined timing was optimal for those discussions to proceed as the City would soon be able to begin restoration.

4.d A Resolution of the Community Redevelopment Agency of the City of Punta Gorda, Florida, reaffirming its formal adoption of rules of conduct; and providing an effective date.
***Exhibits:***
Cover Page
Resolution - Rules of Conduct

City Attorney Levin read the resolution by title.
Commissioner Kuharski **MOVED** approval of the resolution, **SECONDED** by Commissioner Lockhart.
**MOTION UNANIMOUSLY CARRIED.**

4.e A Resolution of the Community Redevelopment Agency of the City of Punta Gorda, Florida, reaffirming its policy with regard to taking action on non-agenda items; providing for consideration of non-agenda items only after approval by a majority plus one of a quorum of the Community Redevelopment Agency and to do so only for stated reasons; and providing an effective date.
***Exhibits:***
Cover Page
Resolution - Non-agenda Items

City Attorney Levin read the resolution by title.
Commissioner Lockhart **MOVED** approval of the invoice, **SECONDED** by Commissioner Peterman.
**MOTION UNANIMOUSLY CARRIED.**

4.f Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A., for services rendered to the Community Redevelopment Agency by David M. Levin, Esq. through December 29, 2022 in the amount of $412.50
***Exhibits:***
Cover Page
Invoice 308551 in the amount of $412.50

Commissioner Lockhart **MOVED** approval of the invoice, **SECONDED** by Commissioner Counsil.
**MOTION UNANIMOUSLY CARRIED.**

4.g Commissioner Comments

None.

The meeting adjourned at 10:21 a.m.

_____
Chair

_____
Recording Secretary

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**COMMUNITY REDEVELOPMENT AGENCY AGENDA**

| | |
|---|---|
| **Title:** | Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A., for services rendered to the Community Redevelopment Agency by David M. Levin, Esq. through January 25, 2023 in the amount of $123.75 |
| **Funds:** | CRA |
| **Recommended Action:** | City Council approval |
| **Summary:** | All invoices, including City Attorney invoices, are brought to the Community Redevelopment Agency for approval. Fiscal year-to date expenses, including this invoice, are $1,113.75. |
| **Department/Division:** | City Manager / Legal |

**EXHIBITS:**

1. Invoice 309138 in the amount of $123.75

ICARD, MERRILL, CULLIS, TIMM,
FUREN & GINSBURG, P.A.

2033 MAIN STREET, SUITE 600
SARASOTA, FLORIDA 34237
TELEPHONE (941) 366-8100
Fed ID #65-0048499

REPLY TO: P.O. BOX 4195
SARASOTA, FLORIDA 34230

City of Punta Gorda, Florida
City Hall Annex
326 West Marion Avenue
Punta Gorda, FL 33950

Invoice # 309138
January 25, 2023

Re: CRA - Community Redevelopment Agency — 50023-070839 - DML

For Services Rendered Through 1/25/2023

**Fees**

| Date | Hours Atty | Description | |
|---|---|---|---|
| 01/04/23 | 0.75 DML | 1) Final preparation for CRA Meeting; 2) Attend CRA Meeting. | |
| **Total Hours: 0.75** | | **Total Fees @ $165/hr =** | **123.75** |
| | | Total Due This Invoice | 123.75 |

PLEASE INDICATE INVOICE # ON YOUR PAYMENT CHECK

01679261-1

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**COMMUNITY REDEVELOPMENT AGENCY AGENDA**

| | |
|---|---|
| **Title:** | CRA Project Status Report February 2023 |
| **Funds:** | Not applicable |
| **Recommended Action:** | For informational purposes only, no action required |
| **Summary:** | The attached monthly report and presentation provide updates on projects occurring within the Community Redevelopment Area. |
| **Department/Division:** | City Manager |

**EXHIBITS:**

1. Monthly report
2. Presentation

# Community Redevelopment Area Project Report

Punta Gorda
FLORIDA

# Active Projects

**Project**: Historic City Hall Rehabilitation and Expansion **Budget**: $5,000,000 – Estimated **Funding Source**: Sales Tax Revenue

**Budget**: $500,000 – Estimated (Relocation) **Funding Source**: General Fund

**Project Location:** Within CRA Boundary Area

**Description**: Design, engineer, and rehabilitation of Historic City Hall and construction of new facility to replace the 1978 addition

| Activity | 2022 | | | | | | | | | | | | 2023 | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
| RFP/Award | | | | | | | | | | | | | | | | | | | | | | | | |
| Design | | | | | | | | | | | | | | | | | | | | | | | | |
| Bid/Construction | | | | | | | | | | | | | | | | | | | | | | | | |

Updated: **February 2023**

**STATUS:**

- Scope of work has been developed; solicitation package is being prepared.
- City Council approval at the 1/6/2021 meeting to fund $500,000 to move forward with the Architectural Design and Engineering;
- Bid opening was held 2/25/2021 and Procurement received 8 bids.
- Seven (7) bids were deemed responsive and were evaluated by the Evaluation and Selection Committee (ESC) on 3/25/2021. The top four (4) ranked bidders will be invited to present to the ESC on 4/6/2021. Following the presentation the ESC will enter into negotiations with the top ranked firm; Bid Award for Council consideration tentatively in April/May 2021.
- The Evaluation and Selection Committee (ESC) held negotiations with top ranked firm on 4/20/2021. Goodwood Mills and Cawood, top ranked firm, is developing scope and fees anticipate receiving it 05/07/2021.
- Staff is currently reviewing the first proposal of services delivered by consultant, Goodwood Mills and Cawood (GMC).
- Staff continues to work with the consultant Goodwood Mills and Cawood (GMC) to finalize the scope of work, deliverables, and anticipated timeline
- Final proposal received and approved from Goodwood Mills and Cawood (GMC); Contract to be awarded at the 8/25/2021 City Council meeting.
- Staff is working to prepare the Purchase Order and set up the pre-design kick off meeting.
- Purchase order has been issued, pre-design kick of meeting held on September 21, 2021, Consultants have begun to work on the first several project tasks that include site analysis, existing condition survey, and scheduling of user survey and interviews
- Consultant, Goodwood Mills and Cawood (GMC), has completed interviewing all Council Members and the majority of City Staff. The Consultant will use this information to put together a “needs analysis” and present options for the overall direction of the project. Survey work and site analysis is continuing.
- Consultant, Goodwood Mills and Cawood (GMC) is preparing the minutes and consensus narrative from the meeting with City Council, City Manager, and City Department representatives. Staff will present this information in January.
- Architects have provided the minutes from the City Council and Staff interviews. Presentation to City Council will be made Jan/Feb 2022 for staff direction on the design
- Staff along with the Consultant GMC made a presentation to City Council at the January 19 meeting based on the City Council and staff interviews. GMC currently preparing the three (3) conceptual design plans.
- Consultant continues to prepare the three (3) conceptual design plans

- Staff met with consultant on 3/24/2022 to discuss project schedule, once building is unoccupied consultants will perform evaluation of historic structure and complete report on existing conditions. Anticipated to have 30% conceptual plans and preliminary cost estimates in June 2022.
- Consultants are working on the 30% conceptual plans and preliminary cost estimates; LEED Charette with City staff have been scheduled. City staff working on scope of work for a Construction Manager At Risk (CMAR)
- Consultant currently working on the 30% conceptual plans and preliminary cost estimates in June 2022
- Project architect presented 30% conceptual plans and provided preliminary cost estimates for three options at the June 15 Council meeting. Council approved Option 3 – which includes a 3rd floor to accommodate current informal meeting space needs with the potential for conversion to office space as those needs arise.
- Consultant continues to work on the plans incorporating City councils input for option 3. 60% plans are anticipated October 5
- The consultant continues to work toward 60 percent design development plans. These 60 percent plans are scheduled to be presented to City Council at their October 5 meeting.
- City staff met with the consultant to discuss technical matters related to the application of the Florida Building Code, fire safety, and minor changes needed in the Annex building to accommodate the connection to the City Hall Expansion.
- Due to the impacts from Hurricane Ian the 60 percent plan delivery has been delayed. Additional evaluation of the building by the consultant will be conducted to ensure that any damage received due to the hurricane is accounted for in the design documents.
- Project architect has delivered the 60 percent plans to City staff for review. This plan set includes initial mechanical, electrical, plumbing, structural, and technology plans.
- Construction Manager at Risk (CMAR) contract on the January 4, 2023 City Council agenda for approval. CMAR will review 60 percent plans, providing cost estimate and guidance for potential cost savings for 90 percent plans. Project architect will meet with Finance Department City Clerk's Office staff to review draft office layouts on January 10th.
- **Staff held the project kick-off meeting with the Construction Manager at Risk (CMAR) Chris-Tel Construction of Fort Myers on January 20, 2023. The CMAR will prepare an initial construction cost estimate based on the current 60 percent plans. This initial cost estimate will help guide design plan changes to maximize building constructability and functionality while minimizing unnecessary costs.**

**Project**: Harborwalk West Master Plan
Harborwalk West Phase II

**Budget:** $3,115,523
**Remaining Budget:**

**Funding Source**: Sales Tax Revenue

**Project Location:** Within CRA Boundary Area

**Description**: Design, engineer, and construct improvements from Gill St. to McGregor St. & McGregor St. to Berry St

| Activity | 2022 | | | | | | | | | | | | 2023 | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
| Design | | | | | | | | | | | | | | | | | | | | | | | | |
| Permit(s) | | | | | | | | | | | | | | | | | | | | | | | | |
| Bid/Award | | | | | | | | | | | | | | | | | | | | | | | | |
| Construction | | | | | | | | | | | | | | | | | | | | | | | | |

Updated: **February 2023**

**STATUS:**

- Staff updated scope to reflect City Council's direction with regard to Gilchrist Park Area II Phase B parking improvements.
- City Council approved the change order 11/18/2020; kick-off meeting will be scheduled with consultant early December.
- Project kick-off meeting took place 12/4/2020 and staff met with engineer 12/28/2020 to discuss the preliminary re-design plan. The 90% plans and initial engineer's opinion of estimated cost will be received in the first quarter of 2021.
- Pre design site walk thru with EOR and Landscape Architect on 1/18/2021; Public Works and Urban Design working with engineering consultant to address safety concern around boat launch area to install handrail and add concrete
- Staff working with the EOR to apply for an easement from FPL
- Staff has completed the change order and awaiting survey of the easement to be completed for FPL
- FPL easement has been recorded; 90% plans were reviewed by DRC and all comments have been submitted to engineering consultant. Project remains on schedule
- Still pending approval from SWFWMD; existing SWFWMD permit is approximately ten years old and has had several modifications with each project associated with the Harborwalk. SWMDFL is requiring a site visit which will be scheduled within the next two weeks. SWFWMD then has 60 days to issue the permit
- SWFWMD performed the require site visit on 6/17/2021; permit approval is anticipated on or before 8/17/2021
- SWFWMD permit has been approved, final construction documents received from the Engineer of Record; Staff currently working on the scope of work necessary to prepare the bid solicitation package. City will be seeking CEI (Construction, Engineering, and Inspection) services on this project.
- City staff continues to work on preparing the bid solicitation package and securing CEI (Construction, Engineering, and Inspection) services
- Staff working with Engineer of Record (EOR) to resolve some minor changes, bid solicitation package currently being prepared, alternative solutions being discussed regarding CEI (Construction, Engineering, and Inspection) services
- Solicitation package has been let, pre-submittal meeting held on 11/15/2021, bid closes 12/06/2021.
- Bid opening held on 12/9/2021; three bids received; Bid to be awarded at the January 2022 City Council meeting
- At the January 5 meeting, City Council awarded Pavement Maintenance, LLC of Florida as being the lowest responsive and responsible bidder. Council also approved the "patterned asphalt" intersection treatment. Total construction cost (including contingency budget) is $2,791,023. Total project cost including

construction, project management, and permitting is estimated at $3,115,523. Pre-construction meeting to be held on January 29, and it is anticipated that construction will begin late February / early March

- Building permit has been issued, contractor is continuing to secure materials, staff working with FPL to re-locate poles at Dolly and McGregor
- Contractor will begin mobilization the first week in April and construction starting thereafter
- To minimize disruption of the park the contractor will undertake this project in three major phases. The phase one area between Gill Street and McGregor Street began with the demolition parking area, trees, existing decorative light removal, and demolition debris removal.
- May-June: work continues on the Phase 1 area between Gill St. and McGregor St. Demolition of the existing parking lot is complete. The ponds construction and commencement of sidewalk preparation and placement are well underway. Scheduled is the underground pipe and structure installation with final parking lot grading, paving on the look ahead. The pickleball court parking lot between McGregor St. and Chasteen St. is scheduled to close following the Memorial Day holiday - Monday, May 31, 2022 in preparation of demolition and phase 2 construction. Underground excavations for drainage pipe and basin installations are scheduled to commence on the W. Retta Esplanade Avenue side streets at Gilchrist and McGregor consecutively requiring full side street road closures and detours for pedestrians and motorist starting Thursday, June 2, 2022 until work is complete.
- Phase 1 area between Gilchrist Street and McGregor Street: Drainage is complete, the sidewalk nearing completion, parking lot asphalt installation by August, and electrical including bollard foundation bases continue to be installed. Phase 2 area between McGregor Street and Chasteen Street: Work continues with demolition / grading at the McGregor parking lot, Chasteen Street intersection drainage basin / pipe replacement, and coordination with Florida Power and Light continues for pole relocations.
- Construction continues, with underground drainage installations, irrigation, landscaping, electrical, sidewalks, and sidewalk ramp construction. Coordination with FPL also continues for the relocation of the pole and guy wire park side across from McGregor St.
- Construction continues with parking lot improvements and the installation of landscape, irrigation, drainage basins and drainage pipes. Tree installations between Gill St. and McGregor are complete with grade work, sod placement, and sidewalk construction continuing in this area. The parking lot between Gill Street and Gilchrist Street has been reopened. The power pole across from McGregor Street has been relocated with coordination on the relocation of the service connections continuing.
- The contractor continues to install an underground drainage pipe and basins, electrical conduit, wiring and decorative light features, concrete curbing and sidewalk, brick pavers in the diagonal parking areas, and irrigation and landscape installation. The first lift of asphalt has been placed on the Berry St. and Gilchrist Playground parking lots. The final lift of asphalt and striping will be scheduled at a later date on the Berry St. parking lot and the Playground parking lot following irrigation and landscape installations. The Gilchrist Playground is expected to reopen Saturday, September 24, 2022.
- Contractor is continuing work on parking area adjacent to the Bayfront Center and parking and sidewalks along Retta Esplanade. Landscape material installed in early September will be evaluated by contractor and city staff to determine what is salvageable and what plants will need to be replaced.
- After extensive clean up post storm, the Contractor replaced damaged landscape materials and restarted construction of major project elements including parking areas and Retta Esplanade streetscape. Harborwalk 2 parking and uplands improvement project – Work continues to construct: diagonal parking spaces, brick paver installations, electrical conduit, wiring and decorative lighting features installation, pond construction and Florida Power and Light coordination across from Dolly St. Landscaping, cross-walks and sidewalk connections are approximately 90% complete. Stamped concrete in lieu of stamped asphalt placement is under City consideration.
- The contractor completed asphalt paving, striping, and curb stop placement of the uplands parking lots for the: Gilchrist Playground, Punta Gorda Bayfront YMCA and Punta Gorda Boat and Sailing Club. Electrical work continues with the column plaques and site furnishings on order. The hanging of the Flag is pending completion of electrical connections.
- **Stamped patterned asphalt is complete along W. Retta Esplanade Ave. within the project limits east of Gill St. to Dolly St. Electrical and pavement markings installation continue. Site furnishings and the bronze plaques to be placed on the columns are on back order. This project is tentatively scheduled to be completed by the end of March, depending on the site furnishings delivery and installation2.**

**Project**: AC Freeman House Rehabilitation

**Budget**: $1,103,000 - Estimated
($863,000 Unfunded)

**Funding Source**: Sales Tax Revenue
Grant Funds (applied)

**Project Location:** Within CRA Boundary Area

**Description**: Building Assessment and rehabilitation

| Activity | 2022 | | | | | | | | | | | | 2023 | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
| Design | | | | | | | | | | | | | | | | | | | | | | | | |
| Bid/Award | | | | | | | | | | | | | | | | | | | | | | | | |
| Construction | | | | | | | | | | | | | | | | | | | | | | | | |

Updated: **February 2023**

**STATUS:**

- Urban Design currently working on scope of work for consultant to perform building evaluation report and rehabilitation documents
- Consultant scheduled a second walkthrough to gather more information and is formalizing a quote for the evaluation report and rehabilitation documents.
- Staff meeting with consulting engineer to discuss scope on 3/31/2021.
- Staff is reviewing the revised scope. On 04/21/City Council approved application submittal of a Historic Preservation Grant due 06/01/2021.
- City Council approved contract to Parker Mudgett Smith at the 5/19/2021 meeting, staff is scheduling a predesign meeting to review details. Staff has submitted the Historic Preservation Grant on 06/01/2021.
- Predesign meeting held with staff and Parker Mudgett Smith. Parker Mudgett Smith is currently working on preparing the building evaluation and scheduling hazardous material testing.
- Parker Mudgett Smith has delivered the measured drawing and building elevations along with the draft building evaluation report. Both are currently under review with the City and will be presented at a future City Council meeting.
- Staff met with Parker Mudgett Smith to review the draft building evaluation, final building evaluation report due the end of September
- Final building report has been received and currently being reviewed by Staff.
- Final building report is completed and will be presented to City Council for staff direction.
- Staff presented a project update at the 11/17/2021 meeting, consensus was to move forward with the 60% architectural design plans based on the engineer of records recommendation.
- Architect is preparing the 60% plans based on the direction from City Council at the 11/17/2021 meeting. A preliminary cost estimate will also be prepared.
- Architect is continuing to prepare the 60% design plans and is currently working with the State to prepare the documentation to re-list the structure on the National Register of Historic Places.
- Architect is continuing to prepare the 60% design plans, the state documents have been submitted and will go before the board in May to have the structure re-listed on the National Register of Historic Places.
- 60% plans currently being reviewed by City Staff, project pending SWFWMD permitting before proceeding with 90% plans
- The State has reviewed the City's application to re-list the structure on the National Register of Historic Places and have requested additional information. Staff is working with the consultant to address the issues. 60% plans still being reviewed. Staff working with Engineer regarding the SWFWMD permitting – project cannot move forward until permit is issued. Staff also exploring the possibility of utilizing a Construction Manager At Risk (CMAR) for this project.
- Consultant has completed the update to the National Register of Historic Places application, pending approval from the state in August
- The Florida Department of State Division of Historical Resources has informed the City that the grant application for the AC Freeman House Rehabilitation project will be funded in the FY 2023 state budget. The official grant agreement will be provided for approval at a July City Council meeting.
- The Florida National Register Review Board has recommended that the A.C. Freeman House be nominated for re-listing in the National Register of Historic Places. Staff received $497,000 grant award to be signed by City Manager.
- Florida National Register Review Board formally nominated the AC Freeman Home for re-listing in the National Register of Historic Places

The process requires 45 days to review. If approved – property will be listed as of approval date; If disapproved – the National Registar staff will contact City Staff/Consultant with an explanation and a course of action.

- The Florida Department of Historical Resources is working with the City on executing the Grant Award Agreement for reviewing the contract for the project.
- City staff is working on proposed scope of services for Construction Manager at Risk (CMAR). Once CMAR is on contract city staff will direct the project architect to proceed with 90 percent design plans.
- Due to Hurricane Ian, the structure did receive additional damage. These damaged areas have been temporarily stabilized to prevent additional deterioration of the structure. Due to the storm damage the project architect has recommended additional evaluation prior to proceeding with the 90 percent plans to ensure that those plans completely account for the existing conditions.
- Staff working with the Division of Historical Resources to secure contractual services pursuant to the grant agreement.
- **Staff will hold a project scope meeting with the project architect and their civil engineering sub-consultant to plan for stormwater management permit modification necessary for the success of this project.**

**Project**: Laishley Park Recreational Area

**Budget**: $275,000
**Budget**: $50,000
**Remaining Budget:** $291,424

**Funding Source**: CRA Operations Division Reserves
**Funding Source**: General Construction

**Project Location:** Within CRA Boundary Area & Funded with other CRA revenue

**Description**: Engineer, design and install improvements of interactive fountain holding tank, pump, and filtration system(s), enhanced water features, playground equipment and surfacing

| Activity | 2022 | | | | | | | | | | | | 2023 | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun |
| Design | | | | | | | | | | | | | | | | | | |
| Bid/Award | | | | | | | | | | | | | | | | | | |
| Construction | | | | | | | | | | | | | | | | | | |

Updated: **February 2023**

**STATUS:**

- Staff was directed at the February 5, 2020 to proceed with the replacement of the interactive fountain holding tank, pump, and filtrations systems as they are approaching the end of their life cycle. In addition, staff was directed to improve the interactive fountain amenity by adding additional splash features and also install new play equipment and surfacing to create a state-of-the-art facility. Current planning estimate is $325,000. Allocated funding at this time is $50,000 from the general construction budget. Additional funding sources could include approximately $39,000 from the general construction fund (remaining funds from a previous project) and the remainder from the CRA maintenance fund. Staff will bring back to CRA for fund appropriation once the scope of work has been developed and a vendor is selected.
- Solicitation packages are being reviewed by departmental staff.
- Scope was prepared for utilization of the engineering library; however, as of 8/3/2020 no proposals has been received. Procurement has extended the response period until 8/20/2020.
- Staff met with original engineer of record 8/28/2020 to discuss scope of work; firm is preparing design and engineering proposal for staff review.
- Staff is in negotiation with the engineering consultant to design enhancements for the interactive fountain and playground area.
- Staff held kick-off meeting on 11/19/2020 with design engineer.
- Staff met with engineer on 12/8/2020 to discuss in detail the plans for the interactive fountain improvements and the playground expansion. Project remains on track and concept plans will be brought to Council for consideration.
- Conception options (#1 – All Splash Pad Features; #2 Splash Pad and Playground) have been received from the EOR; To be presented to CRA 2/3/2021 to determine how to proceed
- CRA approved option #1 - all splash pad features. Staff has submitted a change order to the EOR to move forward; anticipated completion of the 60% plans is late March.
- Staff has reviewed 60% plans and will be meeting with EOR to discuss comments and change order to replace existing fountain parts.
- 60% plans were reviewed with the EOR. Change order completed - includes replacement of existing fountains pebble tec, sprayers and lights.
- EOR is currently working on 90% plans.
- 100% plans anticipated by the end of the month; staff working to procure equipment off State contract; and is preparing scope of work and solicitation

package

- 100% construction documents received; Development Review Committee approval on 7/23/2020 (technical review); final comments sent to Engineer of Record; pending final construction documents
- Still pending final construction documents, staff also working with state contract to see about the purchasing of the equipment for the project
- Final construction documents received, staff is currently preparing scope of work for construction and meeting with vendor regarding process to purchase equipment utilizing State Contract
- Minor change order was processed after meeting with the Engineer of Record (EOR) and playground vendor/manufacture to amend final construction documents. Procurement is continuing to work with the State Contract vendor to procure the equipment. Drat scope of work has been completed for construction.
- Final construction documents have been received, staff continues to work with the State Contract vendor to procure equipment, staff also preparing the solicitation package
- Received cost estimate from the Engineer of Record (EOR) and from direct purchases. Staff to present update on project to CRA on 1/5/2022 and request additional funds from City Council on 1/5/2022
- Additional project funding was approved at the January 5 City Council Meeting. Procurement is finalizing the purchase orders for the purchase of the water features and shade structures. In addition, the bid solicitation package is being reviewed by staff.
- Shade structure and play equipment orders have been placed, Procurement is exploring options available to piggy-back a State “Job Order Contract” for the construction of the project.
- Staff met with potential contractor regarding the project, pending cost proposal for construction.
- Engineering for shade structures has been received. Still pending proposal for construction.
- City staff, Engineer of Record, and potential state contractor for construction met to discuss construction proposal
- Reviewing construction proposal from service provider under state contract.
- Procurement is working with Gordian on agreement negotiations. Will come back to City Council for contract award.
- Procurement is working with the contractor, reviewing the agreement and assessing the subs schedules with concrete, etc. Once completed, Procurement will come back to Council for contract approval.
- The project is moving forward. City Council awarded the contract to Gordian for construction at the September 7 Council meeting.
- Project was delayed pending investigation of possible storm damage.
- Procurement is continuing to work with Gordian to secure the necessary sub-contractors to construct the project and install the equipment per the design approved by the CRA and City Council. City staff anticipates agreement negotiations to resume in January.
- **Staff is working with Gordian to secure another contractor who has worked for the City to take over this project. Staff is also working with Gordian to set up a site visit to review the project with them.**

# Community Redevelopment Agency

## MONTHLY REPORT February 2023

Punta Gorda

# Municipal Marina Activity

| | January 2023 | January 2022 |
|---|---|---|
| Annual | 21 | 27 |
| Semi-Annual | 2 | 2 |
| Monthly | 19 | 24 |
| Transient | 2 | 7 |
| Commercial | 14 | 14 |
| Moorings | 5 | 16 |
| Live Aboards | 0 | 15 |
| Community Room | 0 | 6 |

**13 Damaged Boats*

*13 free public side tie, 1 pump out dock, 4 slips for PGPD, CCSO, FWC & marina work boat*

# Pumpout Vessel - Monthly Comparison

| Date | Number of Pump Outs | Florida Vessels | Non-Florida Vessels | Gallons Pumped | Miles Traveled |
|---|---|---|---|---|---|
| January 2023 | 81 | 78 | 3 | 1,970 | 129 |
| December 2022 | 60 | 55 | 5 | 1,590 | 66.25 |
| January 2022 | 112 | 104 | 8 | 2,530 | 84 |

# Pumpout Vessel - Quarterly Grant Reporting

| Year 2022 | October, November, December |
|---|---|
| Florida Vessels | 159 Vessels |
| Out of State Vessels | 13 Vessels |
| Total Vessels Pumped | 172 Vessels |
| Miles Traveled | 83.5 Miles |
| Gallons Pumped | 4,680 gallons |
| Fees Collected* | $0.00 |
| **City does not collect fees for service.* | |

Punta Gorda

# Historic City Hall Rehabilitation and Expansion

- Staff held the project kick-off meeting with the Construction Manager at Risk (CMAR) Chris-Tel Construction Jan 20
  - CMAR will prepare an initial construction cost estimate based on the current 60 percent plans



**Project Location:** Within CRA Boundary Area

Punta Gorda

# Gilchrist Park / Harborwalk Phase II Parking Improvements



**Project Location:** Within CRA Boundary Area

- Completed
  - Stamped patterned asphalt along W. Retta Esplanade Ave.
- Work continues
  - East of Gill St. to Dolly St.
  - Electrical and pavement markings installation continue
  - Site furnishing and bronze plaques on back order
- Tentatively scheduled to be completed by the end of March

Punta Gorda

# AC Freeman House Rehabilitation

- Staff to schedule project scope meeting with architect and sub-consultant to plan for stormwater management permit modification





**Project Location:** Within CRA Boundary Area

# Laishley Park Splash Pad



- Staff is working with Gordian to
  - Secure another contractor to take over this project
  - Schedule a site visit to review the project with them

**Project Location:** Within CRA Boundary Area and funded with other CRA revenue

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**COMMUNITY REDEVELOPMENT AGENCY AGENDA**

| | |
|---|---|
| **Title:** | Charlotte County's representative on the Punta Gorda CRA recommendation |
| **Funds:** | Not applicable |
| **Recommended Action:** | CRA approval |
| **Summary:** | Charlotte County Commissioners have approved the recommendation of Gary Butler as Charlotte County's representative for the City's Community Redevelopment Agency. |
| **Department/Division:** | City Manager |

**EXHIBITS:**

1. Charlotte County Advisory Board Member Application
2. Gary Butler Resume
3. County Commission Letter

# APPLICATION TO SERVE ON A CHARLOTTE COUNTY ADVISORY BOARD

■ New Applicant ☐ Re-Appointment

**INCOMPLETE APPLICATIONS WILL BE RETURNED**

| | | | |
|---|---|---|---|
| **Mr/Mrs/Ms:** MR | | | |
| **Name:** | **Last** | **First** | **Middle Initial** |
| | Butler | Gary | P |
| **Residence Address:** | | | |
| 1720 Suzi Street Punta Gorda Fl 33950 | | | |
| **Street** | | **City** | **Zip Code** |
| | | | |
| **Mailing Address:** | | | |
| 900 West Marion Ave. Punta Gorda FL 33950 | | | |
| **Street** | | **City** | **Zip Code** |
| | | | |
| **Phone No.** 214-415-3958 | | 941-575-9002 | |
| | **Home** | | **Business** |
| **FAX:** | | | |
| **E-Mail Address:** gbutler@militaryheritagemuseum.org | | | |

**I hereby submit my name for consideration to serve in an advisory capacity to the Board of Charlotte County Commissioners on the following Advisory Board:**

Punta Gorda Community Redevelopment Agency

**Name of Advisory Board**

**If applying for a specific category/position, please so state:** _____

**Occupation:** Executive Director, Military Heritage Museum

**If currently retired, previous occupation:** _____

**Civic/Professional Accomplishments/Offices Held:**

Currently serve as member of Tourist Development Council

Currently serve as treasurer of the Punta Gorda Historical Society and a member of the board of directors

After 35 years with the BSA, retired in 2016 as Chief Operating Officer, National Council Boy Scouts of America



Please be advised that all information contained in this application becomes Public Record once submitted to Charlotte County.

Form revised on Wednesday, May 02, 2018

## APPLICATION TO SERVE ON A CHARLOTTE COUNTY ADVISORY BOARD – CONTINUED

**My qualifications to be eligible are as follows:**

I work within the boundaries of the Punta Gorda Community Redevelopment Agency's focus and am an active member of Historic Punta Gorda Civic Association Inc

Since becoming Executive Director of the Military Heritage Museum in 2018, led its relocation and transformation resulting in creating a major attraction in SWFL

Extensive experience throughout career serving as a volunteer on government related committees and task forces.

**If applicable, please indicate any employment, contractual relationship or status that you may have, or have had within the past 12 months, with any private business entity that rents, leases or sells any realty, or provides any goods or services to the County or that is conducting any business with the County.**

N/A

**Is this application for a new appointment?** ☒ **Yes** ☐ **No**

**If yes, please indicate what you would like to accomplish if you are appointed to this Board:**

In support of the mission of the Punta Gorda Community Redevelopment Agency, find ways to leverage my unique experiences and background

Support the successful attainment of the Community Redevelopment Plan goals

**Is this application for a re-appointment?** ☐ **Yes** ☒ **No**

- **If yes, please indicate what your accomplishments have been while serving on this Board:**

- **If "Yes", please indicate what you would like to accomplish during this term:**

**If you have previously served on a Charlotte County Advisory Board or are currently serving and seeking reappointment, please indicate the number and general nature of any voting conflict disclosure memorandum filed (Form 8B) while serving on the board:**

**Have you ever worked for the Charlotte County Board of County Commissioners?** ☐ **Yes** ☒ **No**

- **If "Yes", please list position, department, start and end date:** _____

**Do you have any relatives currently working for the Charlotte County Board of County Commissioners?** ☐ **Yes** ☒ **No**

- **If "Yes", please list name(s) and department(s):** _____

**Are you a full-time Charlotte County Resident?** ☒ **Yes** ☐ **No**



**Please be advised that all information contained in this application becomes Public Record once submitted to Charlotte County.**

**Form revised on Wednesday, May 02, 2018**

**Have you ever been convicted of a Felony or Misdemeanor? (Please be sure you understand the question, as failure to answer truthfully will disqualify you).** ☐ **Yes** ■ **No**

- **If "Yes", please explain:** _____

**Have you ever pled NO LO CONTENDRE or pled guilty to a crime which is a Felony or a Misdemeanor? (Please be sure you understand the question, as failure to answer truthfully will disqualify you).** ☐ **Yes** ■ **No**

- **If "Yes", please explain:** _____

## APPLICATION TO SERVE ON A CHARLOTTE COUNTY ADVISORY BOARD – CONTINUED

1.) **All of the Boards and Committees appointed by the Board of County Commissioners are required to comply with the Sunshine Law FS 286.011 and some of the Boards and Committees appointed by the Board of County Commissioners are required to comply with Chapter 112, Florida Statutes, the Financial Disclosure Law. You may be required to file a Form 1 Financial Disclosure. You will be provided with more information upon appointment.**

2.) **Charlotte County, an equal opportunity/affirmative action employer, considers the selection and appointment of persons to advisory boards in a non-discriminatory manner consistent with the requirements of Federal, State and Local non-discrimination laws.**

3.) **The Board of County Commissioners request that you attend the Commission meeting at which your application will be considered for appointment. This office will notify you of the Commission meeting date.**

4.) **Members who fail to regularly attend meetings may automatically forfeit their appointment.**

By signing this application, you acknowledge that you have read and understand the previous statements.

Gary Butler Digitally signed by Gary Butler Date: 2022.12.20 05:23:15 -05'00'

Signature

12/20/2022

Date

**A résumé or list of qualifications and experience is required but cannot replace this application form**.

PLEASE RETURN THIS COMPLETED FORM TO:

Charlotte County Board of County Commissioners
Attn: Executive Assistants
18500 Murdock Circle
Port Charlotte, FL 33948

OR EMAIL TO:

Assistant@CharlotteCountyFL.gov


**Please be advised that all information contained in this application becomes Public Record once submitted to Charlotte County.**
**Form revised on Wednesday, May 02, 2018**

# GARY BUTLER

900 W. Marion Ave.
Punta Gorda, FL 33950

Mobile: 214-415-3958
gbutler@militaryheritagemuseum.org

**RELATED EXPERIENCES:** Twenty-five years (25) of non-profit executive leadership including serving as executive director of four (4) agencies with budgets ranging from $350,000 to $4,000,000**.** Working with the volunteers of each agency, formulated, and executed transformational strategies that focused on mission, vision and operational performance. Consistently exceeded all key growth objectives. Directly responsible for executing fundraising campaigns throughout career including a full-time position as development officer. Successfully led multiple capital campaigns including $2.5 million campaign for new service center. Prolific grant writer and BSA national subject matter expert and instructor on grant management. As BSA national director of affiliate operations and later Chief Operating Officer, responsible for the performance of 900,000 plus volunteers and 4500 employees working within 110,000 program sites and 280 affiliates. Provided direct leadership to the executive-director of the National Scouting Museum, working directly on museum strategy, budget, programs, and fiscal management. Rich, extensive experience in community outreach, property management, fundraising, grant and fiscal management, marketing and communications, human resources, technology, strategy and performance management, youth and adult programing, and organization development.

**CAREER HISTORY SUMMARY:** Over forty years of service with volunteer intensive non-profit agencies including the Boy Scouts of America, YMCA, and Military Heritage Museum. Successful work in field service led to significant leadership roles at the national level of the Boy Scouts of America. Served as the interim Executive Regional Director of the Charlotte County Family YMCA Association - a large non-profit organization with eight unique program facilities including three childcare centers. Currently serve as Executive Director of the Military Heritage Museum leading the Museum's successful relocation and transformation.

## SELECTED MISSION-FOCUSED ACCOMPLISHMENTS

- **Strategic & Innovative Leadership:** Led the design and implementation of nation-wide net promoter score initiative designed to measure volunteer, client, community partner, and parent engagement levels. Initiated and led enterprise-wide strategies and projects including Performance Management System, business intelligence team, enterprise-wide net promoter score, Scouting University for employees and volunteers, sourcing solutions, and employee engagement initiative. Implemented national member care center and learning management processes and systems. Provided direct oversight to the National Scouting Museum leadership, facilitating development of the museum's 2014-2019 strategic plan.
- **Operational Excellence through Project Management:** Effectively utilized best practices from both for-profit and non-profit sectors in designing and implementing project-based continuous improvement. Examples include the implementation of member experience mapping, lean six sigma, agile methodology and design thinking. Led the relocation, expansion, and transformation projects for the Military Heritage Museum. Implemented strategic, operational planning and communication systems for affiliates and national departments to ensure integration with BSA national vision and strategic plan.
- **Results Driven**: From 2001 to 2005 served as **CEO** of metro-sized Greater Niagara Frontier Council (affiliate). ***During that period, increased membership market share by .5%*** compared to BSA national average of -11.7%. ***Increased membership by 3.4%*** compared to the BSA average of -5.4%. ***Increased revenue by 41%*** compared to BSA average of 6%.
- **Strategy Execution:** With a focus on the "visitor experience", developed and led the successful implemented of the Military Heritage Museum's business and strategic plans. Despite the pandemic, the Museum has evolved into a major destination attraction in southwest Florida. Actual results to date have exceeded original pre-opening projections. As interim Executive Regional Director of Charlotte County Family YMCA (2016-2017) exceeded required performance results including a 40% increase in childcare enrollment during tenure.

## Career Track

**Executive Director, Military Heritage Museum……..……..….2018 -**
Responsible for day-to-day operations of the Museum. Starting in 2018. led project team to redesign and relocate the Museum to its new stand-alone facility. Raised over $600,000 in capital funds to aid in the location. Museum is now considered a major attraction in Southwest Florida with expected revenue in 2022 of $700,000 or higher compared to $250,000 in average annual revenue in previous location.

**Chief Operating Officer /Deputy Chief Scout Executive ……..……..…….……..….2013-2016**
As Chief Operating Officer of the national office of the Boy Scouts of America, charged with leading the overall development, delivery and support of all of Scouting's programs, its 280 local councils (affiliates), and three (3) national high adventure bases. Functional accountability includes four (4) field service regions, marketing and communications, human resources and training, technology, strategy and performance management, program development teams, and facilities.

**Assistant Chief Scout Executive - Field Service Operations ….....……..…..……2009-2013**
Responsible for all BSA field service operations. Charged with the strategy formulation, delivery, and support of all BSA affiliate services including 900,000 field service volunteers and 8,000 field service employees.

**Council Solutions Group Director…….……...…2008-2009**
Charged with design and implementation of BSA's organization-transformation recommendations from 2008 McKinsey study. Designed and implemented the BSA's first ever enterprise-wide volunteer and staff performance management initiative.

**Finance Support Division Director.…….……..……...2005-2008**
Charged with design and implementation of fundraising, business development, fiscal management, and board development strategies with an emphasis on positively impacting the financial acumen and performance of all BSA's 280 affiliates. Led the curriculum development of, as well as instructed, the BSA's first field service director certification program.

**Executive Director (Territory Field Service Manager); ……. 1992-2005**
Served in the role as field service territory manager providing leadership over three (3) different BSA affiliates. Successfully worked with volunteer executive boards in developing and executing a growth-focused strategic plan. Charged with volunteer recruiting and management, business development, fundraising. and client-impact which required extensive knowledge of assigned communities, demographics and local networks.

## EDUCATION • HONORS • ACTIVITIES

**Providence College, Providence, RI:** BA in Political Science

**Professional Certificates:** Strategic Management, Operations Management, Project Management, Design Thinking & Innovation

**Current Certifications:** Level 2 clearance with Florida Department of Children and Families, American Heart Association CPR and First Aid Training, Transportation Workers Identification Credential

**Recognition**: Distinguished Learning for Life Award, Distinguished Eagle Scout, Eagle Scout, Vigil Honor

**Volunteer and Association Experience:** Currently member – Charlotte County Tourist Development Council and treasurer of the Punta Gorda Historical Society. Prior experiences included member of National Human Services Assembly, Washington DC; Co-chairman and founder, Western New York Not-for-Profit CEO Peer Leadership Institute; Executive Vice President, Agency Executives Association; President, Kingston against Drugs Foundation; national instructor on grant writing

**Community Involvement History:** member, Equine Therapy for Heroes; Scouting volunteer leader (10 years), Kiwanis, Big Brothers Big Sisters, foster parent, religious instructor

January 10, 2023

The Honorable Lynne Matthews
Mayor of the City of Punta Gorda
326 West Marion Avenue
Punta Gorda, Florida 33950

Dear Mayor Matthews,

At the Charlotte County Board of County Commissioners' Regular meeting of January 10, 2023, the Board of County Commissioners approved the recommendation of Gary P. Butler to serve as Charlotte County's representative on the Punta Gorda Community Redevelopment Agency (C.R.A.).

We are aware of the need to have this position confirmed as soon as possible and would ask the City Council/C.R.A. members to consider our recommendation of Gary P. Butler who will serve for William Dryburgh's unexpired term and will expire on January 1, 2024.

Thank you,

William G. Truex, Chair
Charlotte County Board
of County Commissioners

/jms

cc: The Honorable Board of County Commissioners
The Honorable City Council Members
Mr. Gary P. Butler

23-03

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**PUBLIC HEARING AGENDA**
**(Quasi-Judicial and Legislative)**

**Title:**

**GA-01-2023** - An Ordinance of the City of Punta Gorda further amending the City of Punta Gorda Police Officers' Retirement System, restated pursuant to Ordinance 1644-10; amending Section 6, Benefit Amounts and Eligibility; amending Section 8, Disability; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date. **FIRST READING**

**Funds:** Not applicable.

**Recommended Action:** City Council approval.

**Summary:** That the City of Punta Gorda Police Officers' Retirement System, restated pursuant to Ordinance 1644-10, as subsequently amended, is hereby further amended by amending Section 6, Benefit Amounts and Eligibility, subsection 2, Normal Retirement Benefit.

**Department/Division:** City Manager / Legal

**EXHIBITS:**

1. Ordinance
2. Proof of Publication
3. Actuarial Impact Statement

**ORDINANCE NO. ____ - 2023**

**AN ORDINANCE**
**TO BE ENTITLED:**

**AN ORDINANCE OF THE CITY OF PUNTA GORDA FURTHER AMENDING THE CITY OF PUNTA GORDA POLICE OFFICERS' RETIREMENT SYSTEM, RESTATED PURSUANT TO ORDINANCE 1644-10; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 8, DISABILITY; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ENACTED BY THE CITY OF PUNTA GORDA, FLORIDA**;

**SECTION 1**: That the City of Punta Gorda Police Officers' Retirement System, restated pursuant to Ordinance 1644-10, as subsequently amended, is hereby further amended by amending Section 6, Benefit Amounts and Eligibility, subsection 2, Normal Retirement Benefit, to read as follows:

* * * * *

2. Normal Retirement Benefit.

A Member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his Retirement and be continued thereafter during Member's lifetime, ceasing upon death, but with one hundred twenty (120) monthly payments guaranteed in any event. For Members hired prior to December 18, 2013 the monthly retirement benefit shall equal three and one-half percent (3.5%) of Average Final Compensation~~,~~ for each year of Credited Service. For Members hired on or after December 18, 2013 the monthly retirement benefit shall equal three percent (3%) of Average Final Compensation for each year of Credited Service for years of service between December 18, 2013 and the effective date of the ordinance adopting this provision (_____), and three and one-quarter percent (3.25%) of Average Final Compensation for each year of Credited Service for years of service on or after the effective date of the ordinance adopting this provision (_____).

* * * * *

**SECTION 2**: That the City of Punta Gorda Police Officers' Retirement System, restated pursuant to Ordinance 1644-10, as subsequently amended, is hereby further amended by amending Section 8, Disability, subsection 1, Disability Benefits In-Line of Duty, and subsection 3., Disability Benefits Not-in-Line of Duty, to read as follows:

* * * * *

1. Disability Benefits In-Line of Duty.

Any Member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a Police Officer, which disability was directly caused by the performance of his duty as a Police Officer, shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly retirement benefit. For a Member hired prior to December 18, 2013 the monthly retirement benefit shall equal three and one-half percent (3.5%) of his Average Final Compensation multiplied by the total years of Credited Service, but in any event the minimum amount paid to the Member shall be sixty percent (60%) of the Average Final Compensation of the Member. For a Member hired on or after December 18, 2013 the monthly retirement benefit shall

equal three percent (3%) of Average Final Compensation multiplied by the total years of Credited Service for years of service between December 18, 2013 and the effective date of the ordinance adopting this provision (_____), and three and one-quarter percent (3.25%) of Average Final Compensation for each year of Credited Service for years of service on or after the effective date of the ordinance adopting this provision (_____), but in any event the minimum amount paid to the Member shall be sixty percent (60%) of the Average Final Compensation of the Member. Eligibility requirements for disability benefits are set forth in subsection 8., below.

* * * * *

3. Disability Benefits Not-in-Line of Duty.

Any Member with ten (10) years or more Credited Service who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a Police Officer, which disability is not directly caused by the performance of his duties as a Police Officer shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly retirement benefit. For a Member hired prior to December 18, 2013 the monthly retirement benefit shall equal ~~to~~ three and one-half percent (3.5%) of his Average Final Compensation multiplied by the total years of Credited Service. For a Member hired on or after December 18, 2013 the monthly retirement benefit shall equal three percent (3%) of Average Final Compensation multiplied by the total years of Credited Service for years of service between December 18, 2013 and the effective date of the ordinance adopting this provision (_____), and three and one-quarter percent (3.25%) of Average Final Compensation for each year of Credited Service for years of service on or after the effective date of the ordinance adopting this provision (_____). Eligibility requirements for disability benefits are set forth in subsection 8., below.

* * * * *

**SECTION 3**: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

**SECTION 4:** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 5:** That this Ordinance shall become effective upon adoption.

Adopted in regular session of the City Council of the City of Punta Gorda, Florida, this day of _____, 2023.

By:_____
LYNNE R. MATTHEWS, MAYOR

ATTEST:

_____
KAREN SMITH, CITY CLERK

Approved as to form:

_____
DAVID M. LEVIN, CITY ATTORNEY

**NOTICE OF PUBLIC HEARING**
**CITY OF PUNTA GORDA, FLORIDA**

**YOU ARE HEREBY** notified that the Punta Gorda **City Council** will hold a Public Hearing on **Wednesday, February 1, 2023, at 9:00 a.m.**, or as soon thereafter as may be heard, to consider the following request:

**GA-01-2023** - An Ordinance of the City of Punta Gorda further amending the City of Punta Gorda Police Officers' Retirement System, restated pursuant to Ordinance 1644-10; amending Section 6, Benefit Amounts and Eligibility; amending Section 8, Disability; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date.

Said hearing will be held in the temporary City Council Chambers located at the Military Heritage Museum auditorium, 900 West Marion Avenue, Punta Gorda, FL 33950. Any persons desiring to be heard on this matter may appear at the above time and place. If an appeal is to be made of any decision made at this meeting, a verbatim record of the proceeding may be required. A copy of this notice and the associated public hearing documents are available for inspection at the Office of the City Clerk located at 117 Herald Court, Unit 211, Punta Gorda, FL 33950.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, the location of this public hearing is accessible to persons with disabilities. If you are a person with disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Interpreters for the hearing impaired (TTY 941-575-5013) or non-English speaking citizens and any other special accommodations can be requested by contacting the Human Resources Manager/ Non-Discrimination Coordinator whose address is 326 West Marion Avenue, Punta Gorda, FL 33950, whose telephone number is (941) 575-3308, and whose email address is humres@pgorda.us, at least two (2) calendars days prior to the meeting.

KAREN SMITH, CMC
CITY CLERK
CITY OF PUNTA GORDA
Publish: 01/20/2023
102469 3875692

December 21, 2022

Via Email
Chrissy Stoker, Plan Administrator/Analyst
Foster & Foster, Inc.
2503 Del Prado Blvd. S. Suite 502
Cape Coral, FL 33904

Re: City of Punta Gorda Police Officers' Retirement System

Dear Board:

Enclosed is the following material, which has been prepared in support of the proposed changes to the Fund:

1. The required Actuarial Impact Statement, which outlines the costs associated with implementing the changes.

2. Draft of transmittal letters to the Bureau of Local Retirement Systems and the Bureau of Police Officers' and Firefighters' Retirement Trust Funds.

It will be necessary for the Chairperson to sign each copy of the Actuarial Impact Statement as the Plan Administrator and forward the Impact Statement, along with a copy of the proposed Resolution, to the two Bureaus prior to final reading.

If you have any questions concerning the enclosed material, please let us know.

Sincerely,

Patrick T. Donlan, ASA, EA, MAAA

PTD/mw

Enclosures

cc: Scott Christainsen, Board Attorney
cc: Kristin Simeone, Finance Director

Mr. Steve Bardin
Police Officers' and Firefighters' Retirement Trust Funds
Department of Management Services, Division of Retirement
3189 S. Blair Stone Rd.
Tallahassee, FL 32301

Re: Actuarial Impact Statement

Dear Mr. Bardin:

The City of Punta Gorda is considering the implementation of amended retirement benefits for its Police Officers. The changes are described in the enclosed material.

Pursuant to the provisions of Chapter 185, we are enclosing the required Actuarial Impact Statement along with a copy of the proposed Resolution for your review.

If you have any questions or if additional information is needed, please contact us.

Sincerely,

Mr. Keith Brinkman
Bureau of Local Retirement Systems
Division of Retirement
3189 S. Blair Stone Rd.
Tallahassee, FL 32301

Re: Actuarial Impact Statement

Dear Mr. Brinkman:

The City of Punta Gorda is considering the implementation of amended retirement benefits for its Police Officers. The changes are described in the enclosed material.

Pursuant to Section 22d-1.04 of the Agency Rules, we are enclosing the required Actuarial Impact Statement (AIS) and a copy of the proposed Resolution for your review.

If you have any questions or if additional information is needed, please contact us.

Sincerely,

CITY OF PUNTA GORDA
POLICE OFFICERS' RETIREMENT SYSTEM

ACTUARIAL IMPACT STATEMENT

December 21, 2022
(Page 1)

Attached hereto is a comparison of the impact on the Minimum Required Contribution (per Chapter 112, Florida Statutes) and the Required City Contribution, resulting from the implementation of the following change:

> For those Members hired on or after December 18, 2013, the benefit accrual rate for service earned on or after February 1, 2023 is increased from 3.00% to 3.25%.

The cost impact, determined as of October 1, 2022, applicable to the fiscal year ending September 30, 2024, is as follows:

| | Proposed | Current |
|---|---|---|
| Minimum Required Contribution | $1,000,228 | $965,179 |
| Member Contributions (Est.) | 210,723 | 210,723 |
| City And State Required Contribution | 789,505 | 754,456 |
| State Contribution (Est.) [1] | 220,452 | 220,452 |
| City Required Contribution [2] | $569,053 | $534,004 |

[1] Represents the amount received in fiscal 2022, based on the Mutual Consent Agreement (MCA). Under the MCA, the City may use up to $200,000, if received, in determining their required contribution. Any amounts over that will be split, with 50% going to reduce bottom line City Funding Requirement and 50% into Share Plan for the Police Officers.

[2] Assumes that the City will make their full contribution at the beginning of the fiscal year. To the extent that the contribution is made later than October 1st of a given year, the contribution will need to increased with interest.

CITY OF PUNTA GORDA
POLICE OFFICERS' RETIREMENT SYSTEM

ACTUARIAL IMPACT STATEMENT

December 21, 2022
(Page 2)

Unless otherwise noted, all data, assumptions, methods and plan provisions are the same as in the October 1, 2022 actuarial valuation report. It should be noted that changes to retirement benefits could potentially affect participants' retirement or termination behavior. We will monitor and advise of any recommended changes with future experience studies.

Future actuarial measurements may differ significantly from the current measurements presented in this report for a variety of reasons including: changes in applicable laws, changes in plan provisions, changes in assumptions, or plan experience differing from expectations. Due to the limited scope of the analysis, we did not perform an analysis of the potential range of such future measurements.

Please note that contents of this analysis and the October 1, 2022 actuarial valuation report are considered an integral part of the actuarial opinions. In reviewing the results presented in this study, it should be noted that there are risks that may not be inherently apparent to the reader that should be carefully considered. For key risks, please see the Discussion of Risk section of the October 1, 2022 actuarial valuation report.

In performing the analysis, we used third-party software to model (calculate) the underlying liabilities and costs. These results are reviewed in the aggregate and for individual sample lives. The output from the software is either used directly or input into internally developed models to generate the costs. All internally developed models are reviewed as part of the process. As a result of this review, we believe that the models have produced reasonable results. We do not believe there are any material inconsistencies among assumptions or unreasonable output produced due to the aggregation of assumptions.

The changes presented herein are in compliance with Part VII, Chapter 112, Florida Statutes and Section 14, Article X of the State Constitution. The undersigned is familiar with the immediate and long-term aspects of pension valuations and meets the Qualification Standards of the American Academy of Actuaries necessary to render the opinions contained herein.

Patrick T. Donlan, ASA, EA, MAAA
Enrolled Actuary #20-6595

STATEMENT OF PLAN ADMINISTRATOR

The prepared information presented herein reflects the estimated impact of the proposed Resolution.

_____
Chairperson, Board of Trustees

ACTUARIAL ASSUMPTIONS AND METHODS

Mortality Rate

*Healthy Active Lives:*

**Female:** PubS.H-2010 (Below Median) for Employees, set forward one year.
**Male:** PubS.H-2010 (Below Median) for Employees, set forward one year.

*Healthy Retiree Lives:*

**Female:** PubS.H-2010 for Healthy Retirees, set forward one year.
**Male:** PubS.H-2010 for Healthy Retirees, set forward one year.

*Beneficiary Lives:*

**Female:** PubG.H-2010 for Healthy Retirees.
**Male:** PubG.H-2010 for Healthy Retirees, set back one year.

*Disabled Lives:*

80% PubG.H-2010 for Disabled Retirees / 20% PubS.H-2010 for Disabled Retirees.

All rates are projected generationally with Mortality Improvement Scale MP-2018. We feel this assumption sufficiently accommodates future mortality improvements.

The previously described mortality assumption rates were mandated by Chapter 2015-157, Laws of Florida. This law mandates the use of the assumptions used in either of the two most recent valuations of the Florida Retirement System (FRS). The above rates are those outlined in Milliman's July 1, 2021 FRS valuation report for special risk employees, with appropriate adjustments made based on plan demographics.

75% of active deaths are assumed to be service-incurred.

Interest Rate

7.00% per year compounded annually, net of investment related expenses. This is supported by the target asset allocation of the trust and the expected long-term return by asset class.

| | |
|---|---|
| Salary Increases | See table later in this section. This assumption was adopted as a result of the June 19, 2019 experience study. Final salary in year of retirement is increased individually, based on data provided by the City, to account for additional nonregular compensation. |
| Payroll Growth | 0.86% for purposes of amortizing the Unfunded Actuarial Accrued Liability. This assumption cannot exceed the ten-year average payroll growth, in compliance with Part VII of Chapter 112, Florida Statutes. |
| Administrative Expenses | $56,485 annually, based on the average of actual expenses incurred in the prior two fiscal years. |
| Amortization Method | New UAAL amortization bases are amortized over the following amortization periods:<br><br>Assumption/Method Changes: 20 Years.<br>Benefit Changes: 30 Years.<br><br>Bases established prior to the valuation date are adjusted proportionally to match the Expected Unfunded Actuarial Accrued Liability as of the valuation date, in order to align prior year bases with the portion of the current year UAAL associated with prior year sources. |
| Retirement Age | 100% at 25 years of service, otherwise 50% at first eligibility, 20% for next 4 years of eligibility, and 100% at 5 years after first eligibility. This assumption was adopted as a result of the June 19, 2019 experience study. |
| Early Retirement | Commencing upon eligibility for Early Retirement, Members are assumed to retire with an immediate subsidized benefit at the rate of 2% per year. We feel that this assumption is reasonable based on the plan provisions. |
| Termination Rates | See table of sample rates later in this section. This assumption was adopted as a result of the June 19, 2019 experience study. |
| Disability Rates | See table of sample rates later in this section. This assumption was confirmed as part of an experience study dated June 19, 2019. It is assumed that 75% of disablements are service related. |

Funding Method

Frozen Entry Age Actuarial Cost Method. The following loads are applied for determining the minimum required contribution:

Interest - None, based on current 7.00% assumption.

Salary - A full year, based on current 6.40% assumption.

Asset Valuation Method

All assets are valued at market value with an adjustment to uniformly spread actuarial investment gains and losses (as measured by actual market value investment return against expected market value investment return) over a five-year period.

Assumption Tables

| % Terminating During the Year | |
|---|---|
| Age | Rate |
| 20 | 11.6% |
| 25 | 11.0% |
| 30 | 9.8% |
| 35 | 7.8% |
| 40 | 5.3% |
| 45 | 3.3% |
| 50 | 1.4% |
| 55 | 0.6% |
| 60 | 0.5% |
| 65+ | 0.0% |

| % Becoming Disabled During the Year | |
|---|---|
| Age | Rate |
| 20 | 0.03% |
| 25 | 0.03% |
| 30 | 0.04% |
| 35 | 0.05% |
| 40 | 0.07% |
| 45 | 0.10% |
| 50 | 0.18% |
| 55 | 0.36% |
| 60 | 0.90% |
| 65+ | 2.22% |

| Salary Scale | |
|---|---|
| Service | Rate |
| 0-4 | 7.50% |
| 5-9 | 5.50% |
| 10-14 | 5.00% |
| 15+ | 4.50% |

SUMMARY OF PLAN PROVISIONS
(Through Ordinance 1977-2022)

| | |
|---|---|
| ORIGINAL EFFECTIVE DATE | November 19, 1957. |
| LATEST AMENDMENT | January 5, 2022. |
| CREDITED SERVICE | Years and fractional parts of years of service with the City as a Police Officer. |
| AVERAGE FINAL COMPENSATION (AFC) | $1/12^{th}$ of the average total cash compensation, plus tax deferred, tax sheltered, and tax exempt items of income paid during the three (3) best years of the last ten (10) years of Credited Service. Effective October 2, 2013, Salary shall not include more than 300 hours of overtime per calendar year. Salary will include the lesser of the amount of sick or annual leave time for which the retiree receives payment at the time of retirement and the accrued time as of October 2, 2013. |
| NORMAL RETIREMENT | |
| Eligibility | Members Hired before December 18, 2013: Earlier of age 45 and the completion of 20 years of Credited Service, or age 55.<br><br>Members Hired on & after December 18, 2013: Earlier of age 55 and the completion of 10 years of Credited Service or 25 years of Credited Service regardless of age. |
| Benefit Amount | Members Hired before December 18, 2013: 3.50% of Average Final Compensation times Credited Service.<br><br>Members Hired on & after December 18, 2013: 3.00% of Average Final Compensation times Credited Service. |
| Form of Benefit | 10 year certain and life thereafter (options available). |

EARLY RETIREMENT

| | |
|---|---|
| Eligibility | Age 45 and 10 years of Credited Service. |
| Benefit Amount | Accrued benefit, reduced 3.00% per year early. |

VESTING (TERMINATION)

| | |
|---|---|
| Less than 5 years | Refund of Member Contributions. |
| 5 years or more | Accrued benefit payable at age 45 or later, on a reduced basis if to commence prior to Normal Retirement Date or refund of Member Contributions. |

DISABILITY

| | |
|---|---|
| Eligibility | a) 10 years of service for non-service related; coverage from date of hire for service-incurred.<br><br>b) Total and permanent disability prior to Normal Retirement Date. |
| Benefit Amount | Members Hired before December 18, 2013: 3.50% of Average Final Compensation times Credited Service, but not less than 60% of AFC for service incurred disabilities;<br><br>Members Hired on & after December 18, 2013: 3.00% of Average Final Compensation times Credited Service, but not less than 60% of AFC for service incurred disabilities. |

DEATH

Pre-Retirement

| | |
|---|---|
| Service-Incurred With Spouse / or Dependent Child | <u>To Spouse</u>:<br>60% of Member's Average Final Compensation.<br><br><u>To each Child (if no spouse)</u>:<br>15% of Member's AFC. Overall maximum benefit to children is 60% of AFC. |
| *Non-Service-Incurred or* No Spouse or Children | *Value of accrued pension benefit paid* to designated beneficiary. |

| | |
|---|---|
| CONTRIBUTIONS | |
| Employee | 8.00% of total pay. |
| Premium Tax | 0.85% tax on premiums for casualty insurance policies. |
| City | Remaining amount necessary for payment of Normal (current year's) Cost and amortization of the accrued past service liability as provided in Part VII of Chapter 112, Florida Statutes. |
| BOARD OF TRUSTEES | a) Two City Council appointees,<br>b) Two Members of the System elected by a majority of the other covered Police Officers, and<br>c) A fifth Member elected by the other four Members. |
| DEFERRED RETIREMENT OPTION PLAN | |
| Eligibility | Satisfaction of Normal Retirement requirements. |
| Participation | Not to exceed 60 months. |
| Rate of Return | At Member's election:<br><br>a) Actual net rate of investment return (total return net of brokerage commissions, management fees and transaction costs) credited each fiscal quarter, or<br><br>b) 6.50% per annum compounded monthly.<br><br>Members may elect to change form of return one time during the period of DROP participation. |
| Form of Distribution | Cash lump sum (options available) at termination of employment. |
| CHAPTER 185 SHARE PLAN | Each year, 50% of State Monies received in excess of $200,000 is allocated to the Share Plan. |

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**PUBLIC HEARING AGENDA**
**(Quasi-Judicial and Legislative)**

**Title:** **CP-05-2022** - An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to reflect the change in the current designation of Highway Commercial Corridor (HCC) to Medium Density Residential (MDR) for 28.53+/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East, being a portion of the parcel described in Official Record Book 3642, Page 473, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; Providing for conflict and severability; and Providing an effective date. **SECOND READING**

**Funds:** Not applicable.

**Recommended Action:** Urban Design staff finds that the petition is in conformance with the Comprehensive Plan and recommends approval of CP-05-2022.

**Summary:**

Staff is in receipt of a petition from the authorized agent of the property owner requesting to amend the City of Punta Gorda Comprehensive Plan Future Land Use Map; amending the Future Land Use Map to reflect the change in the current designations of Highway Commercial Corridor (HCC) to Medium Density Residential (MDR). A rezoning application is running concurrently with the CP application requesting a change from Highway Commercial (HC) to Planned Development Neighborhood (PDN).

**Department/Division:** Urban Design

**EXHIBITS:**

1. December 2, 2022, Notice of Public Hearing
2. December 2, 2022, Proof of Property Posting
3. Staff Report
4. Application
5. Ordinance
6. Current Future Land Use Map
7. Proposed Future Land Use Map

8. Planning Commission Excerpt
9. City Council Excerpt

# NOTICE OF PUBLIC HEARING

**YOU ARE HEREBY** notified that the City of Punta Gorda, Florida Planning Commission will hold a Public Hearing on **Monday, December 20, 2022, at 2:00 p.m.** and City Council of the City of Punta Gorda, Florida will hold a Public Hearing on **Wednesday, January 18, 2023, at 9:00 a.m.** or as soon thereafter as may be heard to consider the following requests:

## TO CONSIDER:

CP-05-2022 – An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to reflect the change in the current designation of Highway Commercial Corridor (HCC) to Medium Density Residential (MDR) for 28.53 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East, being a portion of the parcel described in Official Record Book 3642, Page 473, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; Providing for conflict and severability; and Providing an effective date.

PD-06-2022 – An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning property addressed as 9298 MacEver Street, containing 28.53 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East, being a portion of the parcel described in Official Record Book 3642, Page 473, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; from Highway Commercial (HC) to Planned Development Neighborhood (PDN); Providing for certain modifications to the regulations applicable to the Planned Development Neighborhood zoning classification; Providing for conflict and severability; and Providing an effective date.




Said hearings will be held in Council Chambers at the Military Heritage Museum, 900 W Marion Ave., Punta Gorda FL, 33950.

Any persons desiring to be heard on this matter may appear at the above time and place.

**FOR ACCOMMODATIONS AND ADDITIONAL INFORMATION PLEASE CONTACT :**

**URBAN DESIGN DIVISION**

**PHONE: (941) 575-3372**

**EMAIL: URBANDESIGN@CITYOFPUNTAGORDAFL.COM**

Punta Gorda

**CITY OF PUNTA GORDA, FLORIDA**
**PUBLIC HEARING NOTICE**

Jones Loop Road LLC
Applicant

Cp-05-2022 & PD-06-2022
File # & Title

**AFFIDAVIT OF POSTING NOTICE**

**STATE OF FLORIDA**
**COUNTY OF CHARLOTTE**

**BEFORE ME**, the undersigned authority, personally appeared Nick Falkner, Code Compliance Officer for the City of Punta Gorda who, after being duly sworn, deposes and says:

1. That on December 2, 2022 the **NOTICE OF PUBLIC HEARING SIGN** was posted at 9298 MAC EVER ST, Punta Gorda, Florida;

2. That this property is owned by JONES LOOP ROAD LLC
The ownership was established through the Charlotte County Property Appraiser's records (ownership tax records). This is the normal procedure used to establish ownership of property.

**FURTHER AFFIANT SAYETH NOT.**

Dated this 2nd day of December, 20 22.

Code Compliance Officer

**STATE OF FLORIDA**
**COUNTY OF CHARLOTTE**

The foregoing instrument was acknowledged before me this 2 day of december, 2022 by Nick Faulkner, who is personally known to me and who did not take an oath.

Signature, Notary Public

(SEAL)

SAMANTHA SORRENTINO
MY COMMISSION # GG 947164
EXPIRES: February 16, 2024
Bonded Thru Notary Public Underwriters

# NOTICE OF PUBLIC HEARING

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Said hearings will be held in Council Chambers at the Military Heritage Museum, 900 W Marion Ave., Punta Gorda FL, 33950.

Any persons desiring to be heard on this matter may appear at the above time and place.

**FOR ACCOMMODATIONS AND ADDITIONAL INFORMATION PLEASE CONTACT :**

**URBAN DESIGN DIVISION**

**PHONE: (941) 575-3372**

**EMAIL: URBANDESIGN@CITYOFPUNTAGORDAFL.COM**

Punta Gorda

12/02/2022 16:01

# NOTICE OF PUBLIC HEARING

**YOU ARE HEREBY** notified that the City of Punta Gorda, Florida Planning Commission will hold a Public Hearing on **Monday, December 20, 2022, at 2:00 p.m.** and City Council of the City of Punta Gorda, Florida will hold a Public Hearing on **Wednesday, January 18, 2023, at 9:00 a.m.** or as soon thereafter as may be heard to consider the following requests:

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Said hearings will be held in Council Chambers at the Military Heritage Museum, 900 W Marion Ave., Punta Gorda FL, 33950.

Any persons desiring to be heard on this matter may appear at the above time and place.

**FOR ACCOMMODATIONS AND ADDITIONAL INFORMATION PLEASE CONTACT :**

**URBAN DESIGN DIVISION**
**PHONE: (941) 575-3372**
**EMAIL: URBANDESIGN@CITYOFPUNTAGORDAFL.COM**

Punta Gorda

# COMPREHENSIVE PLAN STAFF REPORT

TO: City of Punta Gorda Planning Commission

FROM: Joan F. LeBeau, AICP, Urban Design Director

DATE: February 1, 2023

RE: CP-05-2022 –9298 Mac Ever Street

## *Applicant Request:*

**CP-05-2022 –** An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to reflect the change in the current designation of Highway Commercial Corridor (HCC) to Medium Density Residential (MDR) for 28.53 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East, being a portion of the parcel described in Official Record Book 3642, Page 473, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; Providing for conflict and severability; and Providing an effective date.

## *Summary of Applicant's Request:*

An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the Future Land Use Map to reflect the change in the current designations of Highway Commercial Corridor (HCC) to Medium Density Residential (MDR).

## *The Amendment will:*

Amend the City's Future Land Use Map to include and assign the City's Future Land Use designation on the subject property as Medium Density Residential and apply all provisions of the City's Comprehensive Plan to the property described herein.

## *Analysis of the Plan Amendment of the Comprehensive Plan Goals, Policies, and Objectives*

### Future Land Use Element

**Goal 1.1:** The long term end toward which land use programs and activities are ultimately directed is the orderly growth and development of Punta Gorda in a high quality environment. Furthermore, over the next ten year planning period, it is the intent of the City to continue to create a lively, economically viable, pedestrian oriented town with a publicly accessible waterfront, healthy neighborhoods, and a high quality of community character.

**Objective 1.1.2:** Punta Gorda will coordinate future land uses with the availability of facilities and services.

**Policy 1.1.2.1**: Punta Gorda will require the availability of water and sewer, and other facilities and services for which there are standards, concurrently with new development in the City. Additionally, development orders and permits will be specifically conditioned on the availability of the facilities and services necessary to serve the proposed development; and that facilities that provide utility services

to the various land uses are authorized at the same time as the land uses are authorized. Punta Gorda will regulate the time frame for availability of such facilities and services within areas to be annexed.

**Policy 1.1.4.3:** Punta Gorda will promote infill development and redevelopment consistent with the Future Land Use Map through its land development regulations and other means such as public improvements and economic facilitation.

**Policy 1.1.9.5:** Punta Gorda will apply appropriate site planning requirements such as environmental surveys, on-site stormwater management, wetlands preservations, etc., according to the needs of the situation in the context of applicable law and sound planning practice.

**Objective 1.1.10:** Punta Gorda will discourage urban sprawl by controlling the extension of urban facilities and services to non-urban areas and by encouraging urban infill development.

**Policy 1.1.10.2:** Punta Gorda will encourage infill development within the City by maintaining a high level of urban services, by cooperating with the private sector in promoting economic growth, and by maintaining land development regulations that facilitate the sensitive integration of new development in older urban areas.

**Objective 1.1.14:** Punta Gorda will maintain a Future Land Use Map and land use classification system that provides for the distribution, extent and location of a variety of land uses.

**Policy 1.1.14.1:** Residential lands are areas that are intended to be used predominantly for housing. Other uses that are consistent with residential character may be permitted subject to the requirements of the land development regulations. Examples of potentially compatible uses include, but are not limited to, houses of worship, nursing homes, parks, golf courses, libraries, schools, and day care centers. In order to preserve the existing character of the traditional suburban neighborhoods, reduce climate change risk and ensure economically viable traditional downtown and adjacent mixed use commercial area. Residential lands are appropriate as sending zones via the City's existing transfer of development rights (TDR) program. The following residential land classifications exist to provide a range of housing densities and housing types.

> **Medium-Density:** This classification permits residential structures other than mobile homes at densities up to 10.0 units per acre.

Conservation Element

**Objective 2A.1.1:** Punta Gorda will protect the quality of its air by promoting a compact development pattern which limits the need for automobile trips and their related emissions, and by adopting standards for industrial development.

**Policy 2A.1.1.1:** Punta Gorda will enable the reduction of automobile vehicle miles traveled by controlling the pattern of land uses and maintaining a compact urban form (through the FLUM and utility extension policies) to potentially shorten and consolidate trips, and by construction of sidewalks and bicycle facilities to facilitate non-polluting modes.

Coastal Management Element

**Policy 2B.5.1.2:** The City will review and update stormwater management regulations to ensure best practices are utilized for all development and redevelopment activities.

Infrastructure Element

**Policy 3.2.1.4:** Utility extension over the next planning period will involve consideration of proximity to existing urbanized areas for the effect on the efficient use of existing and planned utilities infrastructure, the City's future land use needs, and the desire to encourage compact and contiguous growth.

**Policy 3.2.1.7:** Water and sewer line extension proposals will be reviewed for compact and contiguous development and provision of services to land uses encouraging or increasing economic development efforts.

**Objective 3.2.2:** Coordinate with the Future Land Use map to ensure that development and building permits are issued based on adequate potable water availability and an adopted level of service.

**Policy 3.2.2.3:** Review all land use amendments, zoning changes, or utility service area extensions to determine the availability of utility system capacity.

**Policy 3.4.1.1:** Continue to utilize the Zemel Road Landfill as a solid waste disposal site to meet the City's 20 year solid waste demand needs.

**Policy 3.7.1.3:** The City of Punta Gorda will continue to address stormwater quality through the implementation of the National Pollution Discharge Elimination System by:

c. Continuing to require new construction and redevelopment to be covered by stormwater design requirements in 40-D.4, FAC, to meet these design requirements for water quality as specifically contained in the Basis of Review (BOR) described in Rule 40-D.4.091, FAC. For projects involving existing stormwater systems not required to be improved per the standards of 40-D.4 and involving a permit from the City's Development Review Committee (DRC), the DRC will require stormwater system improvements. (Examples of projects requiring DRC permits are expansions of cubicle content or substantial renovation of commercial structures.)

Housing Element

**Objective 4.1.1:** Throughout the planning period through 2030, Punta Gorda will provide for a variety of housing types and residential densities to accommodate the needs of current and future populations, as well as meeting the special housing needs of its citizens.

**Policy 4.1.1.2:** Consistent with the Comprehensive Plan, Punta Gorda's Land Development Regulations (including zoning regulations) will make possible a variety of lot sizes, densities, and housing types, including single-family, multi-family, mobile home, patio homes, and zero lot line homes.

**Objective 4.1.8:** Throughout the planning period through 2030, Punta Gorda shall protect residential communities from the intrusion of more intensive land uses.

**Policy 4.1.8.2:** Punta Gorda will continue to use the Future Land Use Map #5 amendment process and the rezoning and special exception approval processes to assure that new proposed land uses are compatible with existing residential uses, and will not significantly contribute to the degradation of residential neighborhoods.

Recreation and Open Space Element

**Policy 5.1.2.1:** Punta Gorda will maintain a recreation and open space plan with standards that integrate public, semi-private, and private recreational facilities into an overall plan.

**Policy 5.1.2.2:** Punta Gorda will require developers of residential subdivisions or planned unit developments to dedicate or set aside lands for parks, or to develop and maintain a private or semi-private park system as part of their development, or otherwise contribute to the acquisition and/or development of parks.

Transportation Element

**Objective 7.3.4:** Punta Gorda will provide adequate road capacity levels of service to accommodate present and anticipated future vehicular travel demand, based on adopted Level of Service (LOS) and ensure the impacts of development approvals occur concurrently with adequate roads and that maximum safety, efficiency, and cost effectiveness are achieved.

**Policy 7.3.4.1:** The minimum acceptable level of service for all City classified roads is LOS "D".

**Policy 7.3.4.5:** The City will monitor level of service conditions to determine when implementation of alternative street level of service (LOS) strategies needs to be established.

Public School Element

**Objective 8.1.2:** The City shall require a school concurrency review be performed by the School District to ensure that adequate school facility capacity within the Public School Concurrency Service Area (SCSA) is available to accommodate the projected residential development in accordance with the adopted level of service standard for schools.

**Policy 8.1.2.1:** The City shall not approve any non-exempt residential development application for preliminary plat, site plan or functional equivalent until the School District has verified that available capacity exists to serve the development.

**Policy 8.1.2.3:** The City, through its land development regulations, shall establish a school concurrency review process for all residential projects that are not exempt under Policy 8.1.2.2. The minimum process requirements are described below:

a) A residential development application is submitted to the local government, which includes a School Impact Analysis (SIA). The local government determines application is sufficient for processing and transmits the SIA to the School District for review.
b) The School District reviews the application for available capacity and issues a School Capacity Availability Determination Letter (SCADL) to the local government.
c) If capacity is available within the CSA (or an adjacent CSA), the School District shall issue a SCADL verifying available capacity.
d) If capacity is not available within in the CSA (or an adjacent CSA), the School District shall issue a SCADL indicating the development is not in compliance with the adopted LOS and may offer the developer a negotiation period to present mitigation options.
e) The City shall not issue approval any site plan, subdivision plan, preliminary or final plat approval or functional equivalent for a residential development until receiving confirmation of available school capacity in the form of a SCADL from the School District.

Intergovernmental Coordination Element:

**Policy 9.1.1.1:** Punta Gorda will act to establish a formal notification process between the entities and continue to inform the respective Growth Management Departments of Charlotte County and Punta Gorda in the following ways:

**b)** The City will notify Charlotte County of annexations, plan amendments, subdivision, and zoning actions other than variances and special exceptions.

**Policy 9.1.2.6:** The implementation of stormwater drainage planning in Punta Gorda will be coordinated through the Southwest Florida Water Management District (SWFWMD) permitting process.

**Policy 9.1.2.11:** Future development in the City and other affected jurisdictions will pay their proportionate fair share cost of infrastructure and services resulting from the development's impact.

Capital Improvements Element:

**Objective 10.1.4:** Punta Gorda will manage growth and development by requiring that adopted level of service standards are maintained by public or private investment.

**Policy 10.1.4.1:** Punta Gorda, as well as private providers of infrastructure, will meet or exceed the adopted level of service standards identified herein for the seven LOS facilities described in the Infrastructure Element (Sanitary Sewer, Potable Water, Stormwater Drainage, and Solid Waste), Recreation and Open Space Element, Transportation Element (Traffic Circulation) and the Public School Facilities Element. Said LOS standards shall be as follows:

| Element | Level of Service (LOS) |
|---|---|
| Infrastructure | Potable Water - 141Gallons per person per day (or 287 gallons per ERU per day)<br>Sanitary Sewer - 83 Gallons per person per day (or 169 gallons per ERU per day)<br>Solid Waste - 7.2 Pounds per person per day<br>Stormwater - C - using a 25 year/24 hour design |
| Transportation | D - on all major arterials<br>E - on all minor arterials |

| | |
|---|---|
| | D - on all county collections<br>D - on all City maintained roads |
| Recreation and Open Space | 5 acres per 1,000 population |
| Public Schools | Elementary – 95% total capacity<br>Middle – 100% total capacity<br>High – 100% total capacity |

**Objective 10.1.5:** Future development in Punta Gorda will pay the proportionate cost of infrastructure and services resulting from its impact.

**Policy 10.1.5.1:** Gorda will assess impact fees or accept impact fee credits on new development to cover the fair share costs of capital improvements resulting from new growth and to maintain appropriate levels of service.

Historic Element:
This Comprehensive Plan Amendment is precipitated by a rezoning petition. The property is not located within the Historic Overlay District, therefore no impacts regarding the Historic Element are anticipated.

*Finding based on the City Code of Ordinance Chapter 26, Section 16.4 Application for Concurrency,(c) Concurrency Review Standards. The proposed development shall be designed and constructed to provide adequate area and rights-of-way which may be necessary for the installation and maintenance of the roadway system, which meet all applicable federal, state and local regulations. (if applicable)*

(1) Roadway Facilities – Based on the traffic impact study submitted by the applicant and verified by staff, the existing roadway network will accommodate background traffic and traffic generated by the Project. The study area roadway segments are projected to operate within the adopted levels of service. The Project provides two (2) access points – main access off of Taylor Road and the secondary access off of Jones Loop Road.
(2) Potable Water Facilities – *A letter has been received by the applicant from the City of Punta Gorda Utilities Department, which indicates the properties are in the Utility service area, however, at this time no distribution lines have been constructed in this community.*
(3) Sanitary Sewer Facilities - *A letter has been received by the applicant from the City of Punta Gorda Utilities Department, which indicates the properties are in the Utility service area, however, at this time a wastewater collection system has not been constructed in this community.*
(4) Stormwater and Drainage Facilities Meets Concurrency - *The proposed concept plan includes a stormwater lake which is part of the stormwater system. The stormwater and drainage system will be further reviewed for concurrency and compliance during the Development Review (DRC) process.*
(5) Solid Waste Removal Meets Concurrency – *The County's Zemel Road landfill facility has capacity through the County's 2030 planning horizon.*
(6) Parks and Recreation – *The proposed Project provides .68 acres of recreational area and 3.25 acres of open space, which exceed the required Level of Service.*
(7) Public Schools – *According to the submitted School Impact Analysis calculation, the proposed Project is expected to generate 9.49 elementary students, 5.26 middle school students and 7.45 high school students. The analysis provided is for planning purposes only. A School Capacity Availability Letter (SCADL) is not issued until prior to development approval.*

*Findings:*

Finding #1: The parcel contains 28.53 ± acres.
Finding #2: The existing Future Land Use is Highway Commercial Corridor.

The surrounding Future Land Use designations are as follows:

| DIRECTION | FUTURE LAND USE | ZONING | EXISTING LAND USE |
|---|---|---|---|
| North (County) | Low Intensity Industrial/County | Industrial General/County and Rural Estate 1 unit/acre/County | Auto Sales/Repair/Storage/County and Residential/Grazing land/County |
| South (City) | Highway Commercial Corridor/City | Highway Commercial/City | Vacant Commercial Land/City |
| East (City) | Highway Commercial Corridor/City | Highway Commercial/City | Vacant Commercial Land/City |
| West (City) | Highway Commercial Corridor/City | Planned Development Neighborhood/City | Multi-family development/City |

Finding #3: The applicant's rezoning request has precipitated the need for this comprehensive plan amendment.

Finding #4: Existing roadway facilities will accommodate the anticipated traffic and provides two access points, Taylor Road and Jones Loop Road.

Finding #5: The property and the entire proposed community will receive both water and wastewater service from the City of Punta Gorda. Water and sewer lines currently exist within the Jones Loop Road right-of-way and will be extended throughout the community at the expense of the developer.

Finding #6: Stormwater and drainage facilities will be further reviewed for compliance during the Development Review Committee (DRC) application process.

Finding #7: The County's Zemel Road landfill facility has capacity for the solid waste removal through the County's 2030 planning horizon.

Finding #8: A School Impact Analysis (SIA) has been submitted, however, the School Capacity Availability Letter (SCADL) is not issued until prior to development approval.

Finding #9: The Loop Interlocal Agreement capped the residential density to 450 dwelling units (du) Parkside Punta Gorda utilized 297 du, the Seagrass Subdivision development (south of Jones Loop Rd) is proposing 240 du, and the Seacove Subdivision development is proposing 146 du, (297+240+146 = 683), leaving a deficit of 233 du. A transfer of density units was approved by Charlotte County for 87 du, leaving a deficit of 146 du. The project will require a transfer of 146 TDUs for the proposed development.

Finding #10: A subdivision/re-platting application is a separate public hearing review process.

*Conclusions - Based on the approval criteria presented above, the Punta Gorda Urban Design Division offers the following conclusion(s):*

Conclusion #1: The property contains 28.53 +/- acres.

Conclusion #2: The Comprehensive Plan amendment request changing the Future Land Use from Highway Commercial Corridor to Medium Density Residential is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan as outlined in the staff report above.

Conclusion #3: A Planned Development rezoning application is required and is running concurrently with the Comprehensive Plan amendment process.

Conclusion #4: Existing roadway facilities appear to accommodate the anticipated traffic.

Conclusion #5: The proposed project will be served by the City of Punta Gorda's municipal water and wastewater services. Water and wastewater lines servicing the proposed project will be required to be installed by the developer at the developer's cost.

Conclusion #6: Stormwater and drainage facility requirements will be reviewed for concurrency and compliance at the time of DRC application submittal.

Conclusion #7: Solid waste removal can be accommodated by the County's Zemel Road landfill.

Conclusion #8: The SCADL is required to be reviewed and approved prior to DRC approval.

Conclusion #9: Based on the calculations provided by the applicant and confirmed by City staff, the proposed project will require a transfer of 146 TDUs to be submitted prior to DRC approval.

Conclusion #10: A subdivision/re-platting application is required and will be reviewed separately.

*Staff Recommended Conditions of Approval*

1. SCADL is required to be submitted prior to DRC approval.
2. The project will require a transfer of 146 TDUs for the proposed development.
3. A subdivision/re-platting application and review is required prior to DRC approval.

*Staff Recommendations - based on the aforementioned approval criteria findings and conclusions:*

Urban Design Staff finds that this request is consistent with the City of Punta Gorda Comprehensive Plan and recommend approval of this petition with above-stated conditions.

City of Punta Gorda Planning Commission recommended approval of CP-05-2022 unanimously.

CITY OF PUNTA GORDA

URBAN DESIGN
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-3372
Zoning@CityofPuntaGordaFL.com
UrbanDesign@CityofPuntaGordaFL.com

# LAND USE (COMPRHENSIVE PLAN) AMENDMENT APPLICATION

**Application Fee: ____ $1,000 - Properties 10 Acres or less X ____ $2,000.00 - Properties over 10 Acres**
**Application Fee if done in conjunction with ANNEXATION:**
**____ Properties 10 Acres or less – Actual cost of Legal Advertising***
**____ Properties over 10 Acres – Actual cost of Legal Advertisement and Review Services***
**(*NOTE: invoice will be provided to applicant and must be paid prior to final adoption)**

**Application and all pertinent required data (listed below) MUST be submitted with this application**

- ■ ORIGINAL application with Signed & Notarized Land Use (Comprehensive Plan) Amendment Application and/or Affidavit Authorization for Agent (if applicable)
- ■ Date applicant met with a representative of the Urban Design Staff prior to the submission of application? 12/27/2021
- ■ Digital Text file of metes and bounds description of Property
- ■ Map showing the zoning and FLU of ALL the property contiguous with the subject property
- ■ A copy of the deed or other evidence of ownership
- ☐ Annexation Application ■ Rezoning Application (if applicable)
- ■ SCADL (School Concurrency Approval Determination Letter) attain by School Department (if applicable)
- ■ Letter of availability of utility services from utility companies
- ☐ AutoCAD base files in AutoCAD 2014 Version or newer

- ■ Signed and sealed boundary survey, completed no more than 12 months prior to the application that accurately shows the current condition of the property to include all existing streets, watercourses, natural feature, vegetation and topography and exact location of all buildings and structures.
- ☐ Survey MUST show ALL Easements, Dedications & Improvements
- ☐ Survey must have a metes and bounds description of the property showing water and sewer main locations and fire hydrant locations
- ■ Date of Survey: March 9, 2022
- ■ Total Acreage of Property
- ■ Square Footage

- ■ Narrative with the requested change; An explanation of the proposed project, site plan showing building footprints, parking and traffic circulation areas, water and sewer connection locations, and landscaping (if applicable); referencing all components of the comprehensive plan documents for which a change is being requested, the reason for the proposed change, and why change should be approved

***In addition to the original application a CD/DVD of all supporting documentation MUST to be submitted in a separate PDF, appropriately identified by name.***

**Preface -** This request may require a change to the Zoning Atlas (zoning) must be consistent with all elements of the adopted Comprehensive Plan of the City of Punta Gorda. Should there exist a conflict between the proposal contained herein and the Comprehensive Plan, a rezoning application will be required.

**Information to Be Submitted with Application -** In order that this application be processed in a timely fashion, the correct and complete information is necessary. It is suggested that the applicant bring the application to the Zoning & Code Compliance Division, 126 Harvey St., Punta Gorda, Florida 33950, where it can be reviewed by the staff prior to filing. The Zoning & Code Compliance Division accepts no responsibility for the completeness or accuracy of the application. Errors in the filed application may result in delays with respect to required public hearings. All data and exhibits submitted in connection with the filing of this application become a permanent part of the public record

IMPORTANT: The applicant or his representative MUST be present at the hearing. There will be a fee of $500.00 for a Voluntary Continuance (a request by the applicant to continue a petition before the appropriate board or council, or by the failure of the applicant to attend or be represented at the appropriate meeting).

# LAND USE (COMPRHENSIVE PLAN) AMENDMENT APPLICATION

| Date Received | | File Number | CP- |
|---|---|---|---|

**Application Fee:** ____ **$1,000 - Properties 10 Acres or less** _x_ **$2,000.00 - Properties over 10 Acres**
**Application Fee if done in conjunction with ANNEXATION:**
____ **Properties 10 Acres or less – Actual cost of Legal Advertising***
____ **Properties over 10 Acres – Actual cost of Legal Advertisement and Review Services***
**(*NOTE: invoice will be provided to applicant and must be paid prior to final adoption)**

| **1. Applicant** | | | | | | | |
|---|---|---|---|---|---|---|---|
| Name | Jones Loop Road LLC | | | | | | |
| Address | 999 Vanderbilt Rd. | City | Naples | State | FL | Zip | 34108 |
| Phone | | Email address | | | | | |

| **2. Owner(s) of Record** | | | | | | | |
|---|---|---|---|---|---|---|---|
| Name | Jones Loop Road LLC | | | | | | |
| Address | 999 Vanderbilt Rd. | City | Naples | State | FL | Zip | 34108 |
| Phone | (239) 822-7262 | Email address | Mike@terracapmgmt.com | | | | |

| **3. Authorized Agent – (if applicable – Property Owner must sign AGENT Affidavit below)** | | | | | | | |
|---|---|---|---|---|---|---|---|
| Name | Geri L. Waksler, McCrory Law Firm, PL | | | | | | |
| Address | 309 Tamiami Trail | City | Punta Gorda | State | FL | Zip | |
| Phone | (941) 205-1122 | Email address | geri@mcrorylaw.com | | | | |

| **4. Total Number of Parcels included in this application:** | 1 |
|---|---|

| **5. Property Address / Street Name (if applicable – attach separate sheet if necessary)** | | | | | | | |
|---|---|---|---|---|---|---|---|
| Address | 9298 MacEver Street | City | Punta Gorda | State | FL | Zip | 33950 |

**6. Legal Description of Property (Attach separate sheet if necessary)**
****Note: A digital TEXT file of metes and bounds description of property MUST be submitted on a CD/DVD*****

Please refer to Exhibit "A"

| Parcel ID /Account # | Lot # | Block# | Section | Total Sq. Feet | Total Acres |
|---|---|---|---|---|---|
| 412321151003 | | | | 1,242,604.63 | 28.53+/- |

**7. Precisely describe the requested change; make clear reference to all components of the comprehensive plan documents for which a change is being requested. If the application is for a change to one of the Land Use Plan Maps, include a copy of that map indicating the specific area to be changed. Include reasons why the requested change to the Plan should be approved. Reasons for proposed amendment may include statements relating to any or all of the following:**

- Need to correct an error; Need to reflect changing circumstances or conditions in the City; Need to improve the ability of the Plan to fulfill the basic intent, purposes or goals of the Plan.
- Since Plan Amendment requests will be evaluated in part on the extent to which they would be in the public interest and enhance the ability of the Plan to serve the public benefit, the applicant should include statements addressing these considerations. (use additional sheets as necessary)

See Exhibit "B" included with this application.

**8. 13. Please explain in detail the compatibility with the City's Comprehensive Plan:**
(use additional sheets if necessary)

| | |
|---|---|
| **A. Transportation Element:**<br>• Provide a Traffic Impact Study indicating:<br>• the relative intensity of the proposed change<br>• functional classification of adjacent roadways<br>• Routing of non-residential traffic onto residential streets<br>• availability of collector and arterial roads and any other pertinent traffic circulation concerns | Please refer to Traffic Impact Study prepared by Banks Engineering and Exhibit "C" |
| Roads – List all rights-of-way, Developed & Undeveloped**:** | Taylor Road, Indian Springs Cemetery Road and Jones Loop Road |
| Lists the number of trips that could be generated by the proposed change in FLUM and/or Zoning and explore the impacts that this would have on the roadway system serving the subject site | Please refer to Traffic Impact Study prepared by Banks Engineering and Exhibit "C" |

**B. Housing Element:**

Please refer to Exhibit "C"

**C. Infrastructure Element:** **must also provide letter from utility company stating the availability of Utilities service on this property**

| | |
|---|---|
| a. Sanitary Sewer | Please refer to Exhibit "C" for all listed infrastructure |
| b. Solid Waste | |
| c. Drainage | |
| d. Portable Water | |

**D. Conservation Element:**

Please refer to Exhibit "C"

**E. Costal Management Element:**

Please refer to Exhibit "C"

**F. Recreation & Open Space Element:**

Please refer to Exhibit "C"

**G. Intergovernmental Coordination Element:**

Please refer to Exhibit "C"

**H. Capital Improvement Element:**

Please refer to Exhibit "C"

**I. Public School Facilities Element:**

Please refer to Exhibit "C"

**J. Historic Element:** (if applicable)

Please refer to Exhibit "C"

**9. Existing & Proposed Map Designations (attach additional sheet if necessary)**

| Parcel ID | Existing (FLUM) Classification | Proposed (FLUM) Classification | Existing Zoning District | Proposed Zoning District |
|---|---|---|---|---|
| 412321151003 | Highway Commercial | Medium Density Residential | Highway Commercial | Planned Development |

**10. Neighboring FLUM Designations – Please include Map (use additional sheet if necessary)**

| Parcel ID | North | South | East | West |
|---|---|---|---|---|
| 412321151003 | Low Intensity Industrial & Commercial (County) | Highway Commercial | Highway Commercial | Highway Commercial |

**(4) Neighboring Zoning Designations - (Please Include Map) (use additional sheet if necessary)**

| Parcel ID | North | South | East | West |
|---|---|---|---|---|
| 412321151003 | RE-1, IG & PD (all County) | Highway Commercial | Highway Commercial | Highway Commercial |

**(5) Are there any existing structures on the property?** ___Yes X No

If "yes" what type of construction are they, and what is the current use of the structures. In addition include a site plan showing location of structures on property.

I, the undersigned, being first duly sworn, testify and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of all of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary material attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners.

**AFFIDAVIT OF APPLICANT'S ENTITLEMENT TO AUTHORIZE**

Signature of Owner or Authorized Agent

Geri L. Waksler, as Agent
Print Name

8/10/22
Date

State of Florida
County of Charlotte

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization this day of August 10, 20 22, by Geri L. Waksler, who is personally known to me or who has produced _____ as identification.

(Signature of Notary)

SUSAN C. JOHNSON
Notary Public-State of Florida
Commission # GG 910731
My Commission Expires
December 11, 2023
(Seal)

**AGENT AFFIDAVIT (Property owner authorizing agent to apply)**

I/We_____, property owner(s), hereby authorize_____to act as ***Agent*** on our behalf regarding a **LAND USE (COMPREHENSIVE PLAN) AMENDMENT APPLICATION** on the property commonly known as _____ in Punta Gorda, Florida.

Signature of Property Owner | Print Name of Property Owner | Date

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization this day of _____, 20 _____, by _____, who is personally known to me or who has produced _____ as identification.

(Signature of Notary) (Seal)

**AGENT AFFIDAVIT**
**(Property Owner to Complete ONLY if applicable)**

Jones Loop Road LLC, the property owner, hereby authorizes McCrory Law Firm, PL to act as Agent on our behalf regarding a Land Use (Comprehensive Plan) Amendment application on the property with Parcel ID No. 412321151003.

JONES LOOP ROAD LLC
By: Punta Gorda Loop, LLC, Managing Member

By:_____
Walter S. Hagenbuckle, as Manager

**STATE OF ~~FLORIDA~~ Colorado**
**COUNTY OF Eagle**

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 8 day of July, 2022 by WALTER S. HAGENBUCKLE as Managing Member of Punta Gorda Loop, LLC, as Manager of Jones Loop Road, LLC, who is ☐ personally known to me or ☒ who has produced Florida DL as identification and who did/did not take an oath.

_____
Notary Public, State of ~~Florida~~ Colorado
My Commission Expires: 8/12/25

RYAN ALICIA OLDEHOFF
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20214032092
MY COMMISSION EXPIRES AUGUST 12, 2025

Exhibit "A"

North Jones Loop Property

Banks Engineering Job Number 4507

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF CHARLOTTE, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING A PORTION OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3642, PAGE 473, CHARLOTTE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AS DEPICTED IN CERTIFIED CORNER OF RECORD DOCUMENT #104923; THENCE N.00°33'07"E. ALONG THE EAST LINE OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AND THE CENTERLINE OF INDIAN SPRINGS CEMETERY ROAD (66 FEET WIDE) (FOR THE BASIS OF BEARINGS) FOR 85.00 FEET; THENCE N.89°06'52"W. FOR 33.00 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF SAID INDIAN SPRINGS CEMETERY ROAD AND THE NORTHERLY RIGHT-OF-WAY LINE OF JONES LOOP ROAD; THENCE N.00°33'07"E. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 350.00 FEET TO THE POINT OF BEGINNING; THENCE N.89°06'52"W. FOR 1382.16 FEET; THENCE N.00°53'08"E. FOR 534.69 FEET TO THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 468, PAGE 358, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE N.54°10'52"E. ALONG SAID SOUTHERLY LINE AND THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1826, PAGE 3, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA FOR 1132.08 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF TAYLOR ROAD (A/K/A COUNTY ROAD 765-A) (90 FEET WIDE) AS DEPICTED ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 0153-150; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES: THENCE S.41°35'32"E. FOR 206.81 FEET; THENCE S.41°29'56"E. FOR 490.77 FEET TO THE INTERSECTION OF SAID SOUTHWESTERLY RIGHT-OF-WAY WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID INDIAN SPRINGS CEMETERY ROAD; THENCE S.00°33'07"W. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 696.31 FEET TO THE POINT OF BEGINNING.

**LAND USE (COMPREHENSIVE PLAN) AMENDMENT APPLICATION**

Jones Loop Road, LLC

Exhibit "B"

Response to Application Question 7

Description of the Requested Amendment

Jones Loop Road, LLC has submitted this application to amend the Future Land Use Map from Highway Commercial to Medium Density Residential on 28.53± acres located west of Indian Springs Cemetery Road and southwest of Taylor Road (the "Property"). The Property is part of a large mixed-use development that lies both north and south of Jones Loop Road. The overall development will contain a variety of housing types – a multi-family apartment complex has previously been approved within the development, north of Jones Loop Road. Commercial development is planned along both sides of Jones Loop Road. A single family residential community has been approved south of Jones Loop Road.

This proposed residential community will contain up to 146 platted lots for detached single-family homes, attached single-family villas, a community recreation area, and a stormwater management system (the "Project"). The Project will have internal access to the adjacent commercial area.

The Property's existing Highway Commercial Corridor land use permits a maximum of 3.5 units/acre. The narrative in the Comprehensive Plan which precedes the Goals, Objectives and Policies section of the Future Land Use Element states that for properties designated Highway Commercial Corridor "(r)esidential "may be permitted at densities exceeding 3.5 units per acre for pre-existing small, platted lots, or developed under the Planned Development process," however this language was not incorporated into the adopted Highway Commercial Corridor policies. The proposed 146 single-family homes are at a density of 5.12 units/acre which is consistent with the requested Medium Density Residential land use which permits density ranging from 5 units/acre to 10 units/acre.

Reasons for the Requested Amendment

The multi-use development currently contains parcels zoned for apartment housing and single-family detached housing. The Project will provide single-family attached housing. This amendment is requested because its approval will:

1) Allow for single-family housing at densities in excess of the currently permitted 3.5 units/acre;

2) Add an additional type of residential use (attached single-family) attracting a different demographic at a different price point, thereby increasing housing diversity in both the mixed-use development and the City at large;
3) Add housing in a location that provides close proximity to employment;
4) Provide housing with walkability to stores providing for daily commercial needs; and
5) Further the goals, objectives and policies of the Comprehensive Plan, as detailed in Exhibit "C" included with this application.

**LAND USE (COMPREHENSIVE PLAN) AMENDMENT APPLICATION**

Jones Loop Road, LLC

Exhibit "C"

Response to Application Question 8

8. Please explain in detail the compatibility with the City's Comprehensive Plan

**Future Land Use Element**

**Policy 1.1.2.1 Punta Gorda will require the availability of water *City of Punta Gorda Comprehensive Plan 2025* 1-113 and sewer, and other facilities and services for which there are LOS standards, concurrently with new development in the City. Additionally, development orders and permits will be specifically conditioned on the availability of the facilities and services necessary to serve the proposed development; and that facilities that provide utility services to the various land uses are authorized at the same time as the land uses are authorized. Punta Gorda will regulate the time frame for availability of such facilities and services within areas to be annexed.**

The project meets all adopted LOS standards. Please see responses under the Capital Improvement Element for specific information on adopted LOS standards for each facility and service and the project's consistency with each.

**Policy 1.1.4.3: Punta Gorda will promote infill development and redevelopment consistent with the Future Land Use Map through its land development regulations and other means such as public improvements and economic facilitation.**

The subject property is an infill parcel located on Jones Loop Road. It is adjacent to a an existing economic and employment center with uses including, but not limited to, Walmart, Wawa, hotels and restaurants. Development of this infill parcel is precisely the type that Policy 1.1.4.3 states will be promoted by the City.

**Policy 1.1.9.5: Punta Gorda will apply appropriate site planning requirements such as environmental surveys, on-site stormwater management, wetlands preservation, etc., according to the needs of the situation in the context of applicable law and sound planning practice.**

The concept plan provides areas to accommodate an on-site stormwater management area. The site proposes to impact a .54± acre shrub wetland but preserves 2.93± acres of forested wetland and a 1.04± acre freshwater marsh.

**Objective 1.1.10: Punta Gorda will discourage urban sprawl by controlling the extension of urban facilities and services to non-urban areas and by encouraging urban infill development.**

The subject property is an undeveloped parcel set just off of Jones Loop Road between I-75 and U.S. 41. The Jones Loop corridor contains a Walmart, Wawa, hotels and restaurants. Development of this infill parcel is precisely the type that Objective 1.1.10 states will be encouraged.

**Policy 1.1.10.2: Punta Gorda will encourage infill development within the City by maintaining a high level of urban services, by cooperating with the private sector in promoting economic growth, and by maintaining land development regulations that facilitate the sensitive integration of new development in older urban areas.**

The subject property is an undeveloped parcel set just off of Jones Loop Road between I-75 and U.S. 41. The Jones Loop corridor contains a Walmart, Wawa, hotels and restaurants. The proposed PD is separated from Jones Loop Road by contiguous land zoned for and intended to be developed as commercial properties as contemplated by the Highway Commercial Corridor land use designation. Additionally, an internal sidewalk is planned within the 40' right of way within the development which will extend to connect with the sidewalk network on Jones Loop Road. Residents will have vehicular, pedestrian and bicycle access within the community as well as to the adjacent commercial and beyond via the connection to sidewalks on Jones Loop Road.

**Objective 1.1.14: Punta Gorda will maintain a Future Land Use Map and land use classification system that provides for the distribution, extent and location of a variety of land uses.**

**Policy 1.1.14.1: Residential lands are areas that are intended to be used predominantly for housing. Other uses that are consistent with residential character may be permitted subject to the requirements of the land development regulations. Examples of potentially compatible uses include, but are not limited to, houses of worship, nursing homes, parks, golf courses, libraries, schools, and day care centers. In order to preserve the existing character of the traditional suburban neighborhoods, reduce climate change risk and ensure economically viable traditional downtown and adjacent mixed use commercial area. Residential lands are appropriate as sending zones via the City's existing transfer of development rights (TDR) program. The following residential land classifications exist to provide a range of housing densities and housing types.**

Consistent with this Policy, a Future Land Use Map amendment to Medium Density Residential is proposed.

**Medium-Density: This classification permits residential structures other than mobile homes at densities up to 10.0 units per acre.**

The gross density of the proposed PUD is 5.12 units/acre which is consistent with the density range for its proposed Medium-Density land use classification.

**Housing Element**

**Objective 4.1.1: Throughout the planning period through 2030, Punta Gorda will provide for a variety of housing types and residential densities to accommodate the needs of current and future populations, as well as meeting the special housing needs of its citizens.**

**Policy 4.1.1.2: Consistent with the Comprehensive Plan, Punta Gorda's Land Development Regulations (including zoning regulations) will make possible a variety of lot sizes, densities, and housing types, including single-family, multi-family, mobile home, patio homes, and zero lot line homes.**

The proposed PD will add the ability to develop attached single-family homes in the City, an under-represented residential use. The addition of attached single-family units is consistent with Objective 4.1.1 and Policy 4.1.2.

**Policy 4.1.5.1: To the maximum extent possible, Punta Gorda will rely upon the free market to supply the housing needs of City residents. City government will cooperate with public and private housing service agencies to supplement the efforts of the private sector. In addition, City government will apply for State and Federal revenues to satisfy needs which are not met by the private sector and housing service agencies (very low, low, moderate income benefit).**

There is a need in the City for housing located proximate to retail and employers. This Property will infill an existing economic center, providing a housing type (attached single-family) in an area that is proximate to employment and walkable to retail stores providing for daily needs.

**Objective 4.1.8: Throughout the planning period through 2030, Punta Gorda shall protect residential communities from the intrusion of more intensive land uses.**

**Policy 4.1.8.1: Punta Gorda will prevent intrusion of more intensive land uses upon residential areas by policies in the Comprehensive Plan directing residential growth toward infill areas (e.g., water and sewer policies), reducing incompatible uses (e.g., elimination of non-conforming uses), mitigating related conditions of more intensive development (e.g., standards for industrial development), and separating land uses through the FLUM and FLUM classifications.**

**Policy 4.1.8.2: Punta Gorda will continue to use the Future Land Use Map #5 amendment process and the rezoning and special exception approval processes to assure that new proposed land uses are compatible with existing residential**

**uses, and will not significantly contribute to the degradation of residential neighborhoods.**

The Project will be infill development in an area that contains a variety of existing and planned commercial uses, but which has little, available single family and multi-family housing and no single-family attached housing. Approval of the proposed PD continues the transition of this area to mixed use while providing a critical connection from the residential use to the planned commercial uses on Jones Loop Road.

The conversion of any site from vacant property to developed land will increase traffic on surrounding roads. However traffic from this site will be reduced by its rezoning to a residential use, as commercial uses generate more traffic than residential uses.

As designed and proposed, the PD will operate harmoniously with the surrounding community, making this project consistent with Objective 4.1.8, Policy 4.1.8.1 and Policy 4.1.8.2.

<u>Infrastructure Element</u>

**Objective 3.2.2: Coordinate with the Future Land Use map to ensure that development and building permits are issued based on adequate potable water availability and an adopted level of service.**

**Policy 3.2.2.3: Review all land use amendments, zoning changes, or utility service area extensions to determine the availability of utility system capacity.**

A letter of availability from the City of Punta Gorda Utilities is included with this application.

The City of Punta Gorda has existing system capacity which can accommodate this request.

**Policy 3.4.1.1: Continue to utilize the Zemel Road Landfill as a solid waste disposal site to meet the City's 20 year solid waste demand needs.**

The County's Zemel Road landfill has capacity through the County's 2030 planning horizon.

**Policy 3.7.1.3: The City of Punta Gorda will continue to address stormwater quality through the implementation of the National Pollution Discharge Elimination System by:**

**c. Continuing to require new construction and redevelopment to be covered by stormwater design requirements in 40-D.4, FAC, to meet these design requirements for water quality as specifically contained in the Basis of Review (BOR) described in Rule 40-D.4.091, FAC. For projects involving existing stormwater systems not required to be improved per the standards of 40-D.4 and involving a permit from**

**the City's Development Review Committee (DRC), the DRC will require stormwater system improvements. (Examples of projects requiring DRC permits are expansions of cubicle content or substantial renovation of commercial structures.**

**Objective 3.7.2: Punta Gorda will maintain or expand existing stormwater facilities in public rights-of-way or easements and require private and public developments to provide on site stormwater management facilities consistent with applicable regulations.**

The concept plan includes a stormwater lake which is part of the stormwater system which will be designed utilizing the 25 year/24 hour design and will be submitted to the City and to the SWFWMD as part of the site development approval process.

**Coastal Management Element**

The Property is not located within the Coastal High Hazard Area. Its location provides quick access to I-75, a hurricane evacuation route.

**Conservation Element**

**Objective 2A.1.1: Punta Gorda will protect the quality of its air by promoting a compact development pattern which limits the need for automobile trips and their related emissions, and by adopting standards for industrial development.**

Consistent with Objective 2A.1.1 and Policy 2A.1.1.1, the Planned Development Neighborhood zoning on this infill site allows residential uses providing a compact community which takes advantage of existing utility and road infrastructure and proximity to retail and commercial development which provides employment opportunities and walkable access to daily retail and service needs.

**Recreation and Open Space Element**

**Objective 5.1.2: Punta Gorda will promote the use of public and private resources to meet recreation demands.**

**Policy 5.1.2.1: Punta Gorda will maintain a recreation and open space plan with standards that integrate public, semi-private, and private recreational facilities into an overall plan.**

**Policy 5.1.2.2: Punta Gorda will require developers of residential subdivisions or planned unit developments to dedicate or set aside lands for parks, or to develop and maintain a private or semi-private park system as part of their development, or otherwise contribute to the acquisition and/or development of parks.**

The proposed PDN includes a community recreational area.

**Intergovernmental Coordination Element**

**Policy 9.1.1.5: The City of Punta Gorda will act to coordinate with the School Board of Charlotte County in implementing the Updated Interlocal Agreement for Coordinated Planning and School Concurrency in effect with the County and the School Board to a minimum:**

**a. Punta Gorda expects that The School Board of Charlotte County will coordinate with the City in fulfillment of the School Board's responsibilities under the Joint Interlocal Agreement outlined in Chapter 163.31777, and under Chapter 235.19 and 235.193, F.S.**

**b. Continue to coordinate changes in land use plans, school facility capacity, population projections, development trends and future student populations. The City, County and Public School District staff (Staff Working Group), will meet as needed, but no less than annually to discuss these issues and formulate recommendations prior to any party making a decision which could impact on the areas of concern of the other parties.**

A School Impact Analysis for Concurrency has been submitted with this application in compliance with the Interlocal Agreement. Using the adopted student generation multiplier factors, the proposed PD is expected to generate 10 elementary students, 6 middle school students and 8 high school students. At this stage of approval, the analysis is for planning purposes only. The formal request for a SCADL is required prior to development approval.

**Policy 9.1.2.6: The implementation of stormwater drainage planning in Punta Gorda will be coordinated through the Southwest Florida Water Management District (SWFWMD) permitting process.**

A master stormwater drainage system will be designed and submitted to the City and to the SWFWMD as part of the site development approval process. The project will be developed with a master stormwater drainage system as permitted by the Southwest Florida Water Management District and managed/maintained to function as designed and permitted.

**Policy 9.1.2.11: Future development in the City and other affected jurisdictions will pay their proportionate fair share cost of infrastructure and services resulting from the development's impact.**

The City has established and the project will be assessed impact fees as payment of its proportionate fair share for costs of infrastructure and services.

**Capital Improvement Element**

**Objective 10.1.4: Punta Gorda will manage growth and development by requiring that adopted level of service standards are maintained by public or private investment.**

**Policy 10.1.4.1: Punta Gorda, as well as private providers of infrastructure, will meet or exceed the adopted level of service standards identified herein for the seven LOS facilities described in the Infrastructure Element (Sanitary Sewer, Potable Water, Stormwater Drainage, and Solid Waste), Recreation and Open Space Element, Transportation Element (Traffic Circulation) and the Public School Facilities Element. Said LOS standards shall be as follows:**

**Infrastructure**
**Potable Water - 141Gallons per person per day (or 287 gallons per ERU per day)**
**Sanitary Sewer - 83 Gallons per person per day (or 169 gallons per ERU per day)**
**Solid Waste - 7.2 Pounds per person per day**
**Stormwater - C - using a 25 year/24 hour design**

A letter of availability from the City of Punta Gorda Utilities is included with this application. There is available capacity to serve the project as shown in the table below.

| | POTABLE WATER SVC | SEWER SERVICE |
|---|---|---|
| Permitted Capacity (GPD) | 10,000,000 | 12,000,000 |
| Current Demand (GPD) | 5,410,000 | 3,490,000 (projected 2018) |
| Demand (GPD) with project | 5,491,902 | 3,514,674 |

The County's Zemel Road landfill has capacity through the County's 2030 planning horizon.

A stormwater system will be designed utilizing the 25 year/24 hour design and will be submitted to the City and to the SWFWMD as part of the site development approval process

**Transportation**
**D - on all major arterials**
**E - on all minor arterials**
**D - on all county collectors**
**D - on all City maintained roads**

The traffic impact statement prepared by Banks Engineering and submitted as part of this application projects that the existing roadway network will accommodate background traffic and traffic generated by the Project, and that the study area roadway segments are projected to operate within adopted levels of service with the addition of the Project traffic.

**Recreation and Open Space**
**5 acres per 1,000 population**

According to the 2020 Census, the City of Punta Gorda's population was 19,571. Its housing units numbered 13,522 resulting in 1.45 people per housing unit. Using this number, the 146 potential units would be projected to house 212 people and require 1.06 acres of recreation and open space. The Project provides 0.68 acres of recreational area and 3.25 acres of open space, which exceeds the required LOS.

**Public Schools**
**Elementary – 95% total capacity**
**Middle – 100% total capacity**
**High – 100% total capacity**

A School Impact Analysis for Concurrency has been submitted with this application in compliance with the Interlocal Agreement. Using the adopted student generation multiplier factors, the proposed PD is expected to generate 10 elementary students, 6 middle school students and 8 high school students. At this stage of approval, the analysis is for planning purposes only. The formal request for a SCADL is required prior to development approval.

**Objective 10.1.5: Future development in Punta Gorda will pay the proportionate cost of infrastructure and services resulting from its impact.**

**Policy 10.1.5.1: Punta Gorda will assess impact fees or accept impact fee credits on new development to cover the fair share costs of capital improvements resulting from new growth and to maintain appropriate levels of service.**

The City has established and the project will be assessed impact fees as payment of its proportionate fair share for costs of parks and roads impacts.

<u>Public School Facilities Element</u>

**Objective 8.1.2: The City shall require a school concurrency review be performed by the School District to ensure that adequate school facility capacity within the Public School Concurrency Service Area (SCSA) is available to accommodate the projected residential development in accordance with the adopted level of service standard for schools. [9J-5.025(3)(b)(2)]**

**Policy 8.1.2.1: The City shall not approve any non-exempt residential development application for preliminary plat, site plan or functional equivalent until the School District has verified that available capacity exists to serve the development.**

**Policy 8.1.2.3: The City, through its land development regulations, shall establish a school concurrency review process for all residential projects that are not exempt under Policy 8.1.2.2. The minimum process requirements are described below:**

**a. A residential development application is submitted to the local government, which includes a School Impact Analysis (SIA). The local government determines application is sufficient for processing and transmits the SIA to the School District for review.**

**b. The School District reviews the application for available capacity and issues a School Capacity Availability Determination Letter (SCADL) to the local government.**

**c. If capacity is available within the CSA (or an adjacent CSA), the School District shall issue a SCADL verifying available capacity.**

**d. If capacity is not available within in the CSA (or an adjacent CSA), the School District shall issue a SCADL indicating the development is not in compliance with the adopted LOS and may offer the developer a negotiation period to present mitigation options.**

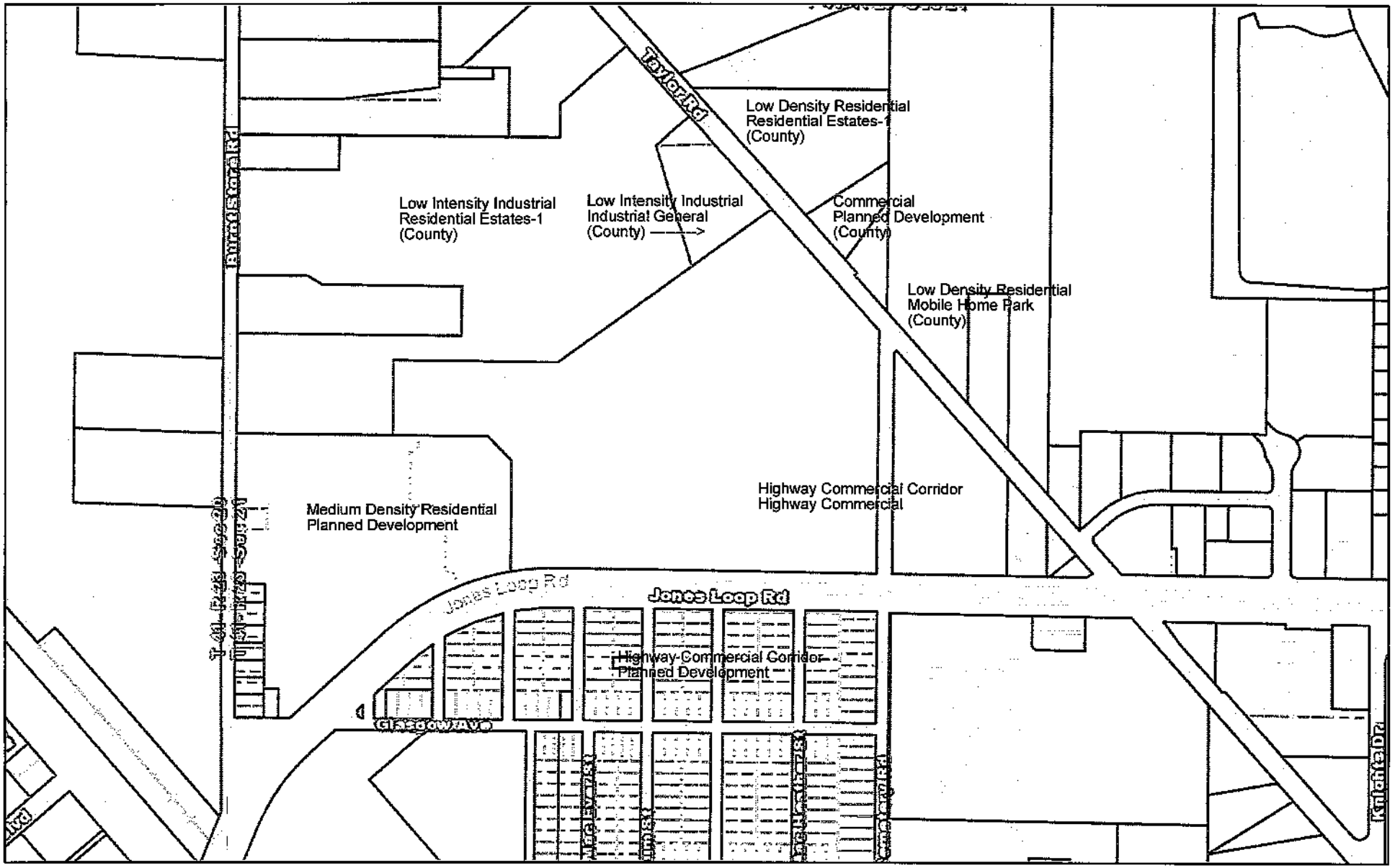
**e. The City shall not issue approval any site plan, subdivision plan, preliminary or final plat approval or functional equivalent for a residential development until receiving confirmation of available school capacity in the form of a SCADL from the School District.**

A School Impact Analysis for Concurrency has been submitted with this application in compliance with the Interlocal Agreement. Using the adopted student generation multiplier factors, the proposed PD is expected to generate 10 elementary students, 6 middle school students and 8 high school students. At this stage of approval, the analysis is for planning purposes only. The formal request for a SCADL is required prior to development approval.

**Historic Element**

Not applicable.

# Contiguous Land Use and Zoning




August 9, 2022

Property Ownership

Lots

Block Number

1:8,000

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

Charlotte County
Charlotte County GIS

Charlotte County GIS

ROGER D. EATON, CHARLOTTE COUNTY CLERK OF CIRCUIT COURT OR BOOK: 4892, PGS: 1390 , PAGE: 1 OF 3
INSTR # 3033643 Doc Type: D, Recorded: 12/13/2021 at 3:47 PM
Rec. Fee: RECORDING $27.00 D DOCTAX PD $0.70 Cashier By: KARENB

After recording return to:

Kevin A. Denti, Esquire
Kevin A. Denti, P.A.
2180 Immokalee Road – Suite #316
Naples, Florida 34110

Consideration: **$10.00**

Documentary Stamp Tax: **$0.70**

Parcel Identification Numbers: 412321151003; 412321376003; 412328127001 and 412321326001.

(Above Space for Clerk's Use Only)

## QUIT-CLAIM DEED

**THIS QUIT-CLAIM DEED** is made and executed this 10th day of December, 2021, by **DENNIS J. FULLENKAMP, Individually, as Trustee, and as Trustee of the Land Trust Agreement dated July 12, 1988**, having an address of 3405 Hancock Bridge Pkwy Ste A. North Fort Myers FL 33903 ("Grantor"), to **JONES LOOP ROAD LLC**, a Delaware limited liability company, having an address of 999 Vanderbilt Beach Road – Suite #701, Naples, Florida 34108 ("Grantee").

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars ($10.00), in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in Charlotte County, Florida, to wit:

See Exhibit "A" attached hereto.

The subject property does not constitute the homestead of the Grantor nor of any member of the Grantor's family – Grantor homestead address is 12801 Treeline Ct North Fort Myers FL 33903.

TOGETHER WITH all improvements, tenements, hereditaments and appurtenances thereto belonging or in any way appertaining to such real property.

SUBJECT TO all covenants, conditions, easements, agreements and restrictions of record, without hereby reimposing same and real estate taxes for 2021 and all subsequent years.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantee forever.

IN WITNESS WHEREOF, Grantor has executed and delivered this Quit-Claim Deed as of the day and year first above written.

Signed, sealed, and delivered
in the presence of:

Witness #1
**Individually,**
Print Name Below:

Witness #2
Print Name Below:
Kristine Meyers

**DENNIS J. FULLENKAMP,**
**as Trustee, and as Trustee of the Land Trust Agreement dated July 12, 1988**

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization this 10th day of December, 2021, by **DENNIS J. FULLENKAMP, Individually, as Trustee, and as Trustee of the Land Trust Agreement dated July 12, 1988,** [✓] who is personally known to me or [ ] who has produced _____ as identification.

KRISTINE R. MEYERS
MY COMMISSION # GG 185028
EXPIRES: February 21, 2022
Bonded Thru Notary Public Underwriters

NOTARY PUBLIC
Kristine Meyers
TYPED OR PRINTED NAME OF NOTARY
MY COMMISSION EXPIRES:

S:\Clients\TerraCap Partners II LP\Horton II (Jones Loop)\Closing Documents\Quit-Claim Deed -- Fullenkamp

EXHIBIT "A"

DESCRIPTION:
A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 21 & 28, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING PART OF THE PLAT OF SOUTH-HIGHLANDS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 PAGE 6, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.88°42'52"E. ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 21 (FOR A BASIS OF BEARING) FOR 70.26 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SEABOARD RAILWAY; THENCE S.40°49'49"E. ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE FOR 527.50 FEET TO THE POINT OF BEGINNING; THENCE N.49°10'11"E. FOR 692.86 FEET; THENCE N.40°49'49"W. FOR 493.38 FEET; THENCE N.49°10'11"E. FOR 324.85 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHLAND AVENUE (50' WIDE) AS SHOWN ON THE AFOREMENTIONED PLAT OF SOUTH-HIGHLANDS; THENCE S.89°28'38"E. ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID HIGHLAND AVENUE FOR 1930.95 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF INDIAN SPRINGS CEMETERY ROAD (WIDTH VARIES); SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 200 OF SAID PLAT; THENCE S.00°36'11"W. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID INDIAN SPRINGS CEMETERY ROAD FOR 950.00 FEET TO THE NORTHEAST CORNER OF LOT 414 AS SHOWN ON THE AFOREMENTIONED PLAT OF SOUTH-HIGHLANDS; THENCE N.89°28'38"W. ALONG THE NORTHERLY LINE OF SAID LOT 414, SOUTH HIGHLANDS FOR 156.85 FEET TO THE NORTHWEST CORNER OF SAID LOT 414, SOUTH-HIGHLANDS; THENCE S.00°30'35"W. ALONG THE WESTERLY LINES OF LOTS 409, 410, 411, 412, 413, AND 414 OF SAID PLAT OF SOUTH-HIGHLANDS FOR 350.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF FERN DRIVE (50' WIDE); SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 406 AS SHOWN ON SAID PLAT OF SOUTH-HIGHLANDS; THENCE S.89°28'38"E. ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID FERN DRIVE FOR 156.28 FEET TO THE NORTHEAST CORNER OF LOT 408, AS SHOWN ON THE AFOREMENTIONED PLAT OF SOUTH-HIGHLANDS, ALSO BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF AFOREMENTIONED INDIAN SPRINGS CEMETERY ROAD; THENCE S.00°36'11"W. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID INDIAN SPRINGS CEMETERY ROAD FOR 129.30 FEET TO THE SOUTHERLY LINE OF SAID PLAT OF SOUTH-HIGHLANDS ALSO BEING THE SOUTHEAST CORNER OF LOT 408; THENCE N.89°28'38"W. ALONG SAID SOUTHERLY LINE FOR 531.10 FEET TO THE EASTERLY LINE OF SAID PLAT OF SOUTH-HIGHLANDS ALSO BEING THE NORTHEAST CORNER OF LOT 395; THENCE S.00°31'22"W. ALONG SAID EASTERLY LINE FOR 465 FEET, MORE OR LESS TO THE MEAN HIGH WATER LINE OF THE ALLAPATCHEE RIVER ALSO KNOWN AS ALLIGATOR CREEK; THENCE MEANDERING ALONG THE MEAN HIGH WATER LINE FOR 1831 FEET, MORE OR LESS TO A POINT ON THE AFOREMENTIONED NORTHEASTERLY RIGHT-OF-WAY LINE OF SEABOARD RAILWAY; THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF SEABOARD RAILWAY THE FOLLOWING 3 COURSES: THENCE N.40°49'59"W. FOR 929 FEET, MORE OR LESS; THENCE N.49°10'10"E. FOR 20.00 FEET; THENCE N.40°49'49"W. FOR 225.95 FEET TO THE POINT OF BEGINNING.

School Board of Charlotte County
1445 Education Way
Port Charlotte, FL 33948
Phone 941-255-0808

# SCHOOL IMPACT ANALYSIS FOR CONCURRENCY

Name of Applicant: Jones Loop Road LLC

Address: 999 Vanderbilt Beach Rd., Suite 701, Naples, FL 34108 Phone: _____

Contact Person: Geri L. Waksler, McCrory Law Firm, P.L. Phone: (941) 205-1122

Name of Development: North Jones Loop # of Phases Proposed: _____

Property Address or Street Name: 9298 Mac Ever Street, Punta Gorda, Florida 33950

Legal Description of Property (Use Additional Sheet if Necessary): Please refer to attached Legal Description

Parcel ID / Account # 412321151003

Lot # _____ Block: _____ Section: 21

Total Land Size: 1,242,604.63 Sq. feet 28.53 +/- acres

Existing Land Use: Highway Commercial (HC) Existing Zoning: Highway Commercial (HC)

Units per acre allowed: 5.12 Units developed per acre: 5.12

Below is the Student Generation Multiplier Factors for Charlotte County, included in the current Interlocal Agreement, which is used to calculate a project's impact. This multiplier is being provided as a means for this process to be transparent.

**Notice:** Once the application for development approval is deemed sufficient by the Local Government, the Local Government will forward the SIA to the School Board of Charlotte County for processing and review. Processing/review may take up to 20 days to complete.

This form is subject to revision without notice at any time.

**Student Generation Multiplier Factors for Charlotte County Public Schools**

| | Elementary (K-5) | | Middle (6-8) | | High (9-12) | |
|---|---|---|---|---|---|---|
| Number of Units | Multiplier | Students Generated | Multiplier | Students Generated | Multiplier | Students Generated |
| 146 | x0.065= | 9.49 | x0.036= | 5.26 | x0.051= | 7.45 |

City/County Use Only – File #: _____

☐ Approved - Sufficient to forward to the School Board of Charlotte County

☐ Denied Because _____

By: _____ Date: _____

Revised July 19, 2016

North Jones Loop Property

Banks Engineering Job Number 4507

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF CHARLOTTE, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING A PORTION OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3642, PAGE 473, CHARLOTTE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AS DEPICTED IN CERTIFIED CORNER OF RECORD DOCUMENT #104923; THENCE N.00°33'07"E. ALONG THE EAST LINE OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AND THE CENTERLINE OF INDIAN SPRINGS CEMETERY ROAD (66 FEET WIDE) (FOR THE BASIS OF BEARINGS) FOR 85.00 FEET; THENCE N.89°06'52"W. FOR 33.00 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF SAID INDIAN SPRINGS CEMETERY ROAD AND THE NORTHERLY RIGHT-OF-WAY LINE OF JONES LOOP ROAD; THENCE N.00°33'07"E. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 350.00 FEET TO THE POINT OF BEGINNING; THENCE N.89°06'52"W. FOR 1382.16 FEET; THENCE N.00°53'08"E. FOR 534.69 FEET TO THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 468, PAGE 358, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE N.54°10'52"E. ALONG SAID SOUTHERLY LINE AND THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1826, PAGE 3, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA FOR 1132.08 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF TAYLOR ROAD (A/K/A COUNTY ROAD 765-A) (90 FEET WIDE) AS DEPICTED ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 0153-150; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES: THENCE S.41°35'32"E. FOR 206.81 FEET; THENCE S.41°29'56"E. FOR 490.77 FEET TO THE INTERSECTION OF SAID SOUTHWESTERLY RIGHT-OF-WAY WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID INDIAN SPRINGS CEMETERY ROAD; THENCE S.00°33'07"W. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 696.31 FEET TO THE POINT OF BEGINNING.

CITY OF PUNTA GORDA

Utilities Administration
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-3339
FAX: (941) 575-5006
utility@CityofPuntaGordaFL.com

Punta Gorda

January 11, 2022

Paul Terry
4161 Tamiami Trail, Bldg 5, Suite 501
Port Charlotte, FL 33952
Sent via email: pterry@bankseng.com

RE: Water and Wastewater Service Availability
Parcel ID 412321151003
9298 Mac Ever St

This letter is issued to identify the procedure to determine the availability of water and sewer services to the above referenced property. The subject location is in the City Utility Service Area. Utility availability means, the subject parcel has the ability to connect to the existing water system and the existing gravity sewer system, and obtain water and sewer capacity required by the subject parcel. Parcels which are un-developed, or planned for re-development, or planned for change of use, will require site specific information to evaluate utility availability status. In the event utility service is not available at the capacity required by the subject parcel, off-site utility line extensions or improvements from the City utility system to the subject location will be required to obtain utility availability. Off-site utility improvements necessary to obtain utility availability are the responsibility of the specially benefitted properties, property owner, or developer.

A preliminary review based on viewing the subject parcel(s) on the Charlotte County GIS site, ccgis.com, indicates the property is undeveloped. Utility improvements may be necessary to obtain utility service to the subject parcel(s). We recommend meeting in our office to determine site specific information, and review capacity and location of existing utility lines. Off-site utility improvements may be required to obtain utility service to the subject parcel. Off-site utility line extensions will be required to meet the future development scenarios consistent with the Utility planning scenarios.

The following conditions apply to owner/developer constructed utility system improvements.

1. Owner/Developer shall be responsible for the design, funding, construction of all on-site and off-site water and sewer facilities necessary to provide service which may include up-grading of existing off-site utility facilities.

2. All utility construction plans, permits, and shop drawings must be reviewed and approved by the City of Punta Gorda Utility Department.

3. Owner/Developer shall obtain all necessary regulatory approvals, including Florida Department of Environmental Protection, City of Punta Gorda, Charlotte County, and FDOT.

4. All off-site utility improvements must be contributed to the City as a developer contributed asset prior to approval to place in service.

5. Service is contingent upon sufficient water and sewer plant capacity at time of connection. (Capacity is based on a first come-first serve basis at time of connection and impact fee payments).

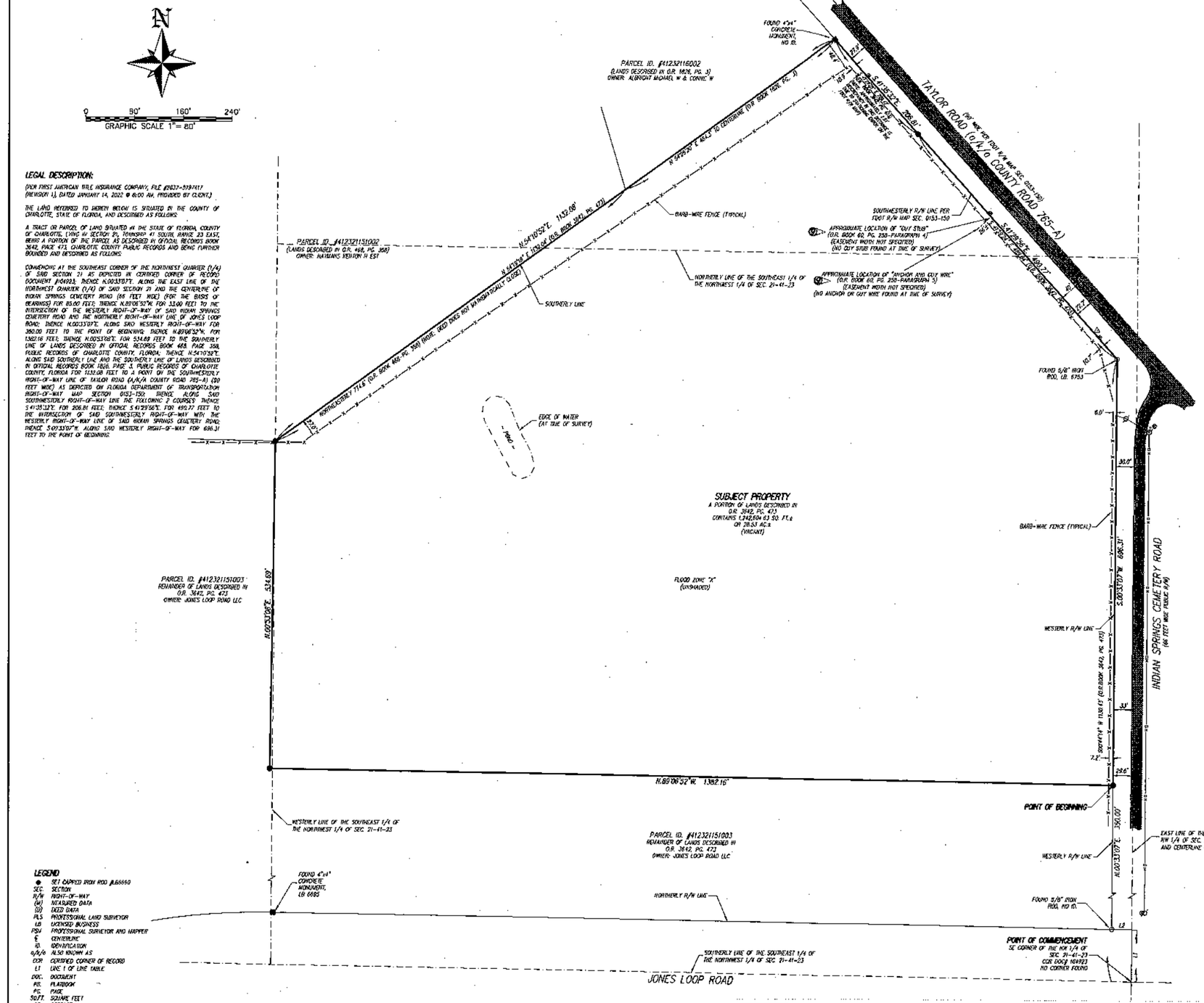
Please call our office at 575 3339 if you would like to schedule a utility availability meeting. If you should have any questions, please do not hesitate to call this office.

Sincerely,

Steve Adams
Utility Engineering Manager

# SURVEY PLAT

OF A PARCEL OF LAND LYING IN
SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST,
CHARLOTTE COUNTY, FLORIDA




## LEGAL DESCRIPTION:

(PER FIRST AMERICAN TITLE INSURANCE COMPANY, FILE #2037-5797417 (REVISION 1), DATED JANUARY 14, 2022 @ 8:00 AM, PROVIDED BY CLIENT.)

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF CHARLOTTE, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING A PORTION OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3842 PAGE 473, CHARLOTTE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AS DEPICTED IN CERTIFIED CORNER OF RECORD DOCUMENT #104923; THENCE N.00°33'07"E. ALONG THE EAST LINE OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AND THE CENTERLINE OF INDIAN SPRINGS CEMETERY ROAD (66 FEET WIDE) (FOR THE BASIS OF BEARINGS) FOR 85.00 FEET; THENCE N.89°08'52"W. FOR 33.00 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF SAID INDIAN SPRINGS CEMETERY ROAD AND THE NORTHERLY RIGHT-OF-WAY LINE OF JONES LOOP ROAD; THENCE N.00°33'07"E. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 350.00 FEET TO THE POINT OF BEGINNING; THENCE N.89°08'52"W. FOR 1,382.16 FEET; THENCE N.00°33'07"E. FOR 534.69 FEET TO THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 468, PAGE 358, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE N.54°10'52"E. ALONG SAID SOUTHERLY LINE AND THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1826, PAGE 3, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA FOR 1,132.08 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF TAYLOR ROAD (A/K/A COUNTY ROAD 765-A) (80 FEET WIDE) AS DEPICTED ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 0153-152; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES: THENCE S.41°29'56"E. FOR 1206.81 FEET; THENCE S.41°29'56"E. FOR 685.72 FEET TO THE INTERSECTION OF SAID SOUTHWESTERLY RIGHT-OF-WAY WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID INDIAN SPRINGS CEMETERY ROAD; THENCE S.00°33'07"W. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 696.31 FEET TO THE POINT OF BEGINNING.

## B-II EXCEPTIONS:

(PER FIRST AMERICAN TITLE INSURANCE COMPANY, FILE #2037-5797417 (REVISION 1), DATED JANUARY 14, 2022 @ 8:00 AM, PROVIDED BY CLIENT.)

1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.
2. ANY RIGHTS, INTERESTS OR CLAIMS OF PARTIES IN POSSESSION OF THE LAND NOT SHOWN BY THE PUBLIC RECORDS.
3. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.
4. ANY LIEN, FOR SERVICES, LABOR, OR MATERIALS IN CONNECTION WITH IMPROVEMENTS, REPAIRS OR RENOVATIONS PROVIDED BEFORE, ON, OR AFTER DATE OF POLICY, NOT SHOWN BY THE PUBLIC RECORDS.
5. ANY DISPUTE AS TO THE BOUNDARIES CAUSED BY A CHANGE IN THE LOCATION OF ANY WATER BODY WITHIN OR ADJACENT TO THE LAND PRIOR TO DATE OF POLICY, AND ANY ADVERSE CLAIM TO ALL OR PART OF THE LAND THAT IS, AT DATE OF POLICY, OR WAS PREVIOUSLY UNDER WATER.
6. TAXES OR SPECIAL ASSESSMENTS NOT SHOWN AS LIENS IN THE PUBLIC RECORDS OR IN THE RECORDS OF THE LOCAL TAX COLLECTING AUTHORITY, AT DATE OF POLICY.
7. ANY MINERALS OR MINERAL RIGHTS LEASED, GRANTED OR RETAINED BY CURRENT OR PRIOR OWNERS.
8. TAXES AND ASSESSMENTS FOR THE YEAR 2022 AND SUBSEQUENT YEARS, WHICH ARE NOT YET DUE AND PAYABLE.
9. EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT COMPANY RECORDED JULY 1, 1959 IN BOOK 60, PAGE 250. ONLY FEATURES DESCRIBED IN PARAGRAPHS 4&5 OF DOCUMENT PLOT ON THE SUBJECT PROPERTY
10. INTENTIONALLY DELETED.
11. INTENTIONALLY DELETED.
12. CITY OF PUNTA GORDA ORDINANCE NO. 1786-14 RECORDED JULY 10, 2014 IN BOOK 3883, PAGE 1931, AS AMENDED IN CITY OF PUNTA GORDA RECORDED INSTRUMENT NO. 2015 IN BOOK 4031, PAGE 1597. NO PLOTTABLE EASEMENTS
13. CITY OF PUNTA GORDA ORDINANCE NO. 1793-14 RECORDED AUGUST 25, 2014 IN BOOK 3895, PAGE 923. NO PLOTTABLE EASEMENTS
14. RIPARIAN AND/OR LITTORAL RIGHTS ARE NOT INSURED.
15. TERMS AND CONDITIONS OF ANY EXISTING UNRECORDED LEASE(S), AND ALL RIGHTS OF LESSEE(S) AND ANY PARTIES CLAIMING THROUGH THE LESSEE(S) UNDER THE LEASE(S).

## NOTES:

THIS SURVEY PLAT IS PREPARED AS A BOUNDARY & TOPOGRAPHIC SURVEY AND IS NOT INTENDED TO DELINEATE ANY WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITATS, OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

BEARINGS ARE BASED ON "THE STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT - EPOCH 2010) AND WERE DERIVED FROM THE FLORIDA PERMANENT REFERENCE NETWORK, SITE CODE "PNTA", WHEREIN THE EAST OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST BEARS N.00°33'07"E.

BEARINGS AND DISTANCES AS SHOWN ON THE PARCEL BOUNDARY ARE MEASURED UNLESS OTHERWISE INDICATED.

ALL DISTANCES AS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

THE SUBJECT PARCEL AS SHOWN HEREON IS LOCATED ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP 12015C0244J, EFFECTIVE MAY 05, 2009. THE SUBJECT PARCEL LIES WITHIN FLOOD ZONE FLOOD ZONE X (UNSHADED) (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).

FLOOD ZONE DETERMINATION AS SHOWN HEREON IS FOR INFORMATIONAL PURPOSES ONLY. FEMA RELATED INFORMATION SHOULD BE VERIFIED WITH FEMA OR THE APPROPRIATE GOVERNING AUTHORITY BEFORE USE.

ALL PLAT BOOKS AND OFFICIAL RECORD BOOKS SHOWN AND DESCRIBED ON THIS SURVEY PLAT ARE RECORDED IN THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

UNDERGROUND IMPROVEMENTS, IF ANY, NOT LOCATED.

SUBJECT PROPERTY CONTAINS 1,242,604.63 SQUARE FEET, MORE OR LESS (28.53 ACRES, MORE OR LESS).

LAST DATE OF FIELD WORK: 11-15-2021

PER TABLE "A" No. 2: NO ADDRESS ASSIGNED TO SUBJECT PROPERTY AT TIME OF SURVEY.

PER TABLE "A" No. 6(a): NO ZONING REPORT PROVIDED BY CLIENT.

PER TABLE "A" No. 7(a): NO BUILDINGS LOCATED ON SUBJECT PROPERTY AT TIME OF SURVEY.

PER TABLE "A" No. 9: NO PARKING LOCATED ON SUBJECT PROPERTY AT TIME OF SURVEY.

## LEGEND

| | |
|---|---|
| ● | SET CAPPED IRON ROD LB6660 |
| SEC. | SECTION |
| R/W | RIGHT-OF-WAY |
| (M) | MEASURED DATA |
| (D) | DEED DATA |
| PLS | PROFESSIONAL LAND SURVEYOR |
| LB | LICENSED BUSINESS |
| PSM | PROFESSIONAL SURVEYOR AND MAPPER |
| ℄ | CENTERLINE |
| ID | IDENTIFICATION |
| a/k/a | ALSO KNOWN AS |
| CCR | CERTIFIED CORNER OF RECORD |
| L1 | LINE 1 OF LINE TABLE |
| DOC. | DOCUMENT |
| PG. | PLAT BOOK |
| PG. | PAGE |
| SQ.FT. | SQUARE FEET |
| AC. | ACREAGE |
| ± | PLUS OR MINUS |
| FDOT | FLORIDA DEPARTMENT OF TRANSPORTATION |
| | WOOD UTILITY POLE |
| | GUY ANCHOR |
| | CABLE SERVICE BOX |
| | OVERHEAD UTILITIES |
| | FIBER OPTIC RISER |
| | TELEPHONE RISER |
| | B-II EXCEPTION |

## LINE TABLE

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | N.00°33'07"E. | 85.00' |
| L2 | N.89°08'52"W. | 33.00' |

## SURVEYOR'S CERTIFICATION:

TO: JONES LOOP ROAD LLC, A DELAWARE LIMITED LIABILITY COMPANY
D.R. HORTON, INC., A DELAWARE CORPORATION
NELSON MULLINS RILEY & SCARBOROUGH LLP
FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 7(a), 8, 9, 13, 19 AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 11/15/2021.

ELECTRONICALLY SIGNED BY C. DEREK BANKS

STATE OF FLORIDA LICENSED SURVEYOR & MAPPER 5240

Date: 2022.03.09 13:11:58 -05'00'

- I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, THAT THIS PLAT OF THE HEREON DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER: 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON.
- IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM OF ENCUMBRANCES.

| NO. | DATE | REVISION DESCRIPTION | BY |
|---|---|---|---|
| 2 | 02/09/04 | REV. PER ATTORNEY COMMENTS | CDB |
| 1 | 02/04/22 | REV. PER EMAIL DATED 1/31/22 | CDB |


BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

4151 TAMIAMI TRAIL - BLDG 5 UNIT 501
PORT CHARLOTTE, FLORIDA 33952
PHONE: (941) 625-1185 FAX: (941) 625-1149

ENGINEERING LICENSE # EB 6489
SURVEY LICENSE # LB 6660

WWW.BANKSENG.COM


ALTA/NSPS LAND TITLE SURVEY

# JONES LOOP PROPERTY

CHARLOTTE COUNTY, FLORIDA

| DATE | PROJECT | DRAWING | DESIGN | DRAWN | CHECKED | SCALE | SHEET |
|---|---|---|---|---|---|---|---|
| 1/31/22 | 4436 | 4436-P2-ALTA | | JS | CDB | 1"=80' | 1 of 1 |

City of Punta Gorda

Ordinance No. _____-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING THE CITY OF PUNTA GORDA COMPREHENSIVE PLAN FUTURE LAND USE MAP TO REFLECT THE CHANGE IN THE CURRENT DESIGNATION OF HIGHWAY COMMERCIAL CORRIDOR (HCC) TO MEDIUM DENSITY RESIDENTIAL (MDR) FOR 28.53 +/- ACRES, A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING A PORTION OF THE PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 3642, PAGE 473, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, AND BEING FURTHER BOUNDED AND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Geri Waksler, Agent for Jones Loop Road, LLC, Property Owner, (hereinafter referred to as "Petitioner") has filed with the City of Punta Gorda a petition to amend the Comprehensive Plan Future Land Use Map for the parcels of land addressed as 9298 Mac Ever Street, and more particularly described in Exhibit "A" attached hereto and incorporated herein, (hereinafter referred to as "The Property"); and

WHEREAS, this amendment to the City's Comprehensive Plan is directly related to the rezoning request of the Property for future development; and

WHEREAS, this amendment to the City's Comprehensive Plan Future Land Use Map is compatible with the character of the surrounding neighborhood; and

WHEREAS, pursuant to the provisions of Section 163.3194(1), Florida Statutes, the Planning Commission, serving as the Local Planning Agency for the City of Punta Gorda, Florida, has reviewed the proposed request and has found it to be consistent with the adopted Comprehensive Plan of the City of Punta Gorda.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA:

I. The City of Punta Gorda Comprehensive Plan Future Land Use Map is hereby changed from Highway Commercial (HCC/CITY) to Medium Density Residential (MDR) for 28.53 +/- acres, addressed as 9298 Mac Ever Street and further bounded and described in Exhibit "A", attached hereto and incorporated herein.

II. The property within the Loop Municipal Service Area is entitled to a maximum of 450 density units pursuant to the Interlocal Agreement, dated October 16, 2013. This project utilizes 146 density units and will require 146 Transfer of Density Units to be approved and certificated through the Charlotte County TDU program.

II. It is the declared intent of the City Council that if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

III. Any ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

IV. Pursuant to Section 163.3184, Florida Statutes, this Ordinance shall become effective 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

ADOPTED, upon second reading, in regular session of the City Council of the City of Punta Gorda, Florida, this _____ day of _____, 2023.

_____
LYNNE R. MATTHEWS, Mayor

ATTEST:

_____
KAREN SMITH, City Clerk

APPROVED AS TO FORM:

_____
DAVID M. LEVIN, City Attorney

EXHIBIT “A”
TO COMPREHENSIVE PLAN AMENDMENT ORDINANCE

**Boundary Survey**
**Charlotte County Parcel Identification No. 412321151003**
**9298 Mac Ever Street**

North Jones Loop Property

Banks Engineering Job Number 4507

LEGAL DESCRIPTION

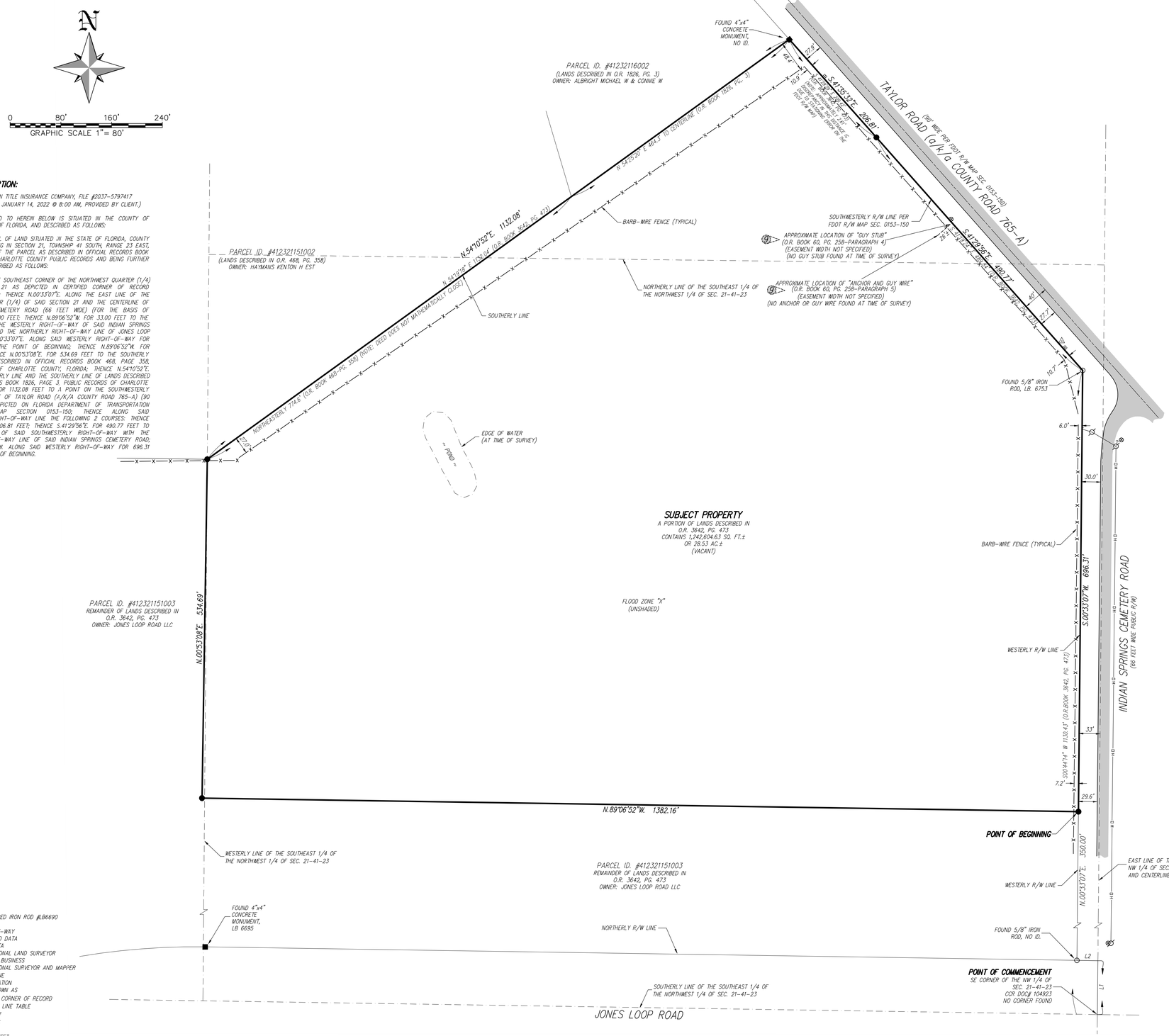
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF CHARLOTTE, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING A PORTION OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3642, PAGE 473, CHARLOTTE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AS DEPICTED IN CERTIFIED CORNER OF RECORD DOCUMENT #104923; THENCE N.00°33'07"E. ALONG THE EAST LINE OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AND THE CENTERLINE OF INDIAN SPRINGS CEMETERY ROAD (66 FEET WIDE) (FOR THE BASIS OF BEARINGS) FOR 85.00 FEET; THENCE N.89°06'52"W. FOR 33.00 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF SAID INDIAN SPRINGS CEMETERY ROAD AND THE NORTHERLY RIGHT-OF-WAY LINE OF JONES LOOP ROAD; THENCE N.00°33'07"E. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 350.00 FEET TO THE POINT OF BEGINNING; THENCE N.89°06'52"W. FOR 1382.16 FEET; THENCE N.00°53'08"E. FOR 534.69 FEET TO THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 468, PAGE 358, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE N.54°10'52"E. ALONG SAID SOUTHERLY LINE AND THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1826, PAGE 3, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA FOR 1132.08 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF TAYLOR ROAD (A/K/A COUNTY ROAD 765-A) (90 FEET WIDE) AS DEPICTED ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 0153-150; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES: THENCE S.41°35'32"E. FOR 206.81 FEET; THENCE S.41°29'56"E. FOR 490.77 FEET TO THE INTERSECTION OF SAID SOUTHWESTERLY RIGHT-OF-WAY WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID INDIAN SPRINGS CEMETERY ROAD; THENCE S.00°33'07"W. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 696.31 FEET TO THE POINT OF BEGINNING.

# SURVEY PLAT

OF A PARCEL OF LAND LYING IN
SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST,
CHARLOTTE COUNTY, FLORIDA




## LEGAL DESCRIPTION:

*(PER FIRST AMERICAN TITLE INSURANCE COMPANY, FILE #2037-5797417 (REVISION 1), DATED JANUARY 14, 2022 @ 8:00 AM, PROVIDED BY CLIENT.)*

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF CHARLOTTE, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING A PORTION OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3642, PAGE 473, CHARLOTTE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AS DEPICTED IN CERTIFIED CORNER OF RECORD DOCUMENT #104923; THENCE N.00°33'07"E. ALONG THE EAST LINE OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AND THE CENTERLINE OF INDIAN SPRINGS CEMETERY ROAD (66 FEET WIDE) (FOR THE BASIS OF BEARINGS) FOR 85.00 FEET; THENCE N.89°06'52"W. FOR 33.00 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF SAID INDIAN SPRINGS CEMETERY ROAD AND THE NORTHERLY RICHT-OF-WAY LINE OF JONES LOOP ROAD; THENCE N.00°33'07"E. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 350.00 FEET TO THE POINT OF BEGINNING; THENCE N.89°06'52"W. FOR 1,382.16 FEET; THENCE N.00°53'08"E. FOR 534.69 FEET TO THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 468, PAGE 358, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE N.54°10'52"E. ALONG SAID SOUTHERLY LINE AND THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1826, PAGE 3, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA FOR 1132.08 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF TAYLOR ROAD (A/K/A COUNTY ROAD 765-A) (90 FEET WIDE) AS DEPICTED ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 0153-150; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES: THENCE S.41°35'33"E. FOR 206.81 FEET; THENCE S.41°29'56"E. FOR 490.77 FEET TO THE INTERSECTION OF SAID SOUTHWESTERLY RIGHT-OF-WAY WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID INDIAN SPRINGS CEMETERY ROAD; THENCE S.00°33'07"W. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 696.31 FEET TO THE POINT OF BEGINNING.

## B-II EXCEPTIONS:

*(PER FIRST AMERICAN TITLE INSURANCE COMPANY, FILE #2037-5797417 (REVISION 1), DATED JANUARY 14, 2022 @ 8:00 AM, PROVIDED BY CLIENT.)*

1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.
2. ANY RIGHTS, INTERESTS, OR CLAIMS OF PARTIES IN POSSESSION OF THE LAND NOT SHOWN BY THE PUBLIC RECORDS.
3. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.
4. ANY LIEN, FOR SERVICES, LABOR, OR MATERIALS IN CONNECTION WITH IMPROVEMENTS, REPAIRS OR RENOVATIONS PROVIDED BEFORE, ON, OR AFTER DATE OF POLICY, NOT SHOWN BY THE PUBLIC RECORDS.
5. ANY DISPUTE AS TO THE BOUNDARIES CAUSED BY A CHANGE IN THE LOCATION OF ANY WATER BODY WITHIN OR ADJACENT TO THE LAND PRIOR TO DATE OF POLICY, AND ANY ADVERSE CLAIM TO ALL OR PART OF THE LAND THAT IS, AT DATE OF POLICY, OR WAS PREVIOUSLY UNDER WATER.
6. TAXES OR SPECIAL ASSESSMENTS NOT SHOWN AS LIENS IN THE PUBLIC RECORDS OR IN THE RECORDS OF THE LOCAL TAX COLLECTING AUTHORITY, AT DATE OF POLICY.
7. ANY MINERALS OR MINERAL RIGHTS LEASED, GRANTED OR RETAINED BY CURRENT OR PRIOR OWNERS.
8. TAXES AND ASSESSMENTS FOR THE YEAR 2022 AND SUBSEQUENT YEARS, WHICH ARE NOT YET DUE AND PAYABLE.
9. EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT COMPANY RECORDED JULY 1, 1959 IN BOOK 60, PAGE 258. ***ONLY FEATURES DESCRIBED IN PARAGRAPHS 4&5 OF DOCUMENT PLOT ON THE SUBJECT PROPERTY***
10. INTENTIONALLY DELETED.
11. INTENTIONALLY DELETED.
12. CITY OF PUNTA GORDA ORDINANCE NO. 1786-14 RECORDED JULY 10, 2014 IN BOOK 3883, PAGE 1921, AS AMENDED IN CITY OF PUNTA GORDA RECORDED NOVEMBER 25, 2015 IN BOOK 4031, PAGE 1597. ***NO PLOTTABLE EASEMENTS***
13. CITY OF PUNTA GORDA ORDINANCE NO. 1793-14 RECORDED AUGUST 25, 2014 IN BOOK 3895, PAGE 923. ***NO PLOTTABLE EASEMENTS***
14. RIPARIAN AND/OR LITTORAL RIGHTS ARE NOT INSURED.
15. TERMS AND CONDITIONS OF ANY EXISTING UNRECORDED LEASE(S), AND ALL RIGHTS OF LESSEE(S) AND ANY PARTIES CLAIMING THROUGH THE LESSEE(S) UNDER THE LEASE(S).

## NOTES:

THIS SURVEY PLAT IS PREPARED AS A BOUNDARY & TOPOGRAPHIC SURVEY AND IS NOT INTENDED TO DELINEATE ANY WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITATS, OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

BEARINGS ARE BASED ON "THE STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT - EPOCH 2010) AND WERE DERIVED FROM THE FLORIDA PERMANENT REFERENCE NETWORK, SITE CODE "PNTA". WHEREIN THE EAST OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST BEARS N.00°33'07"E.

BEARINGS AND DISTANCES AS SHOWN ON THE PARCEL BOUNDARY ARE MEASURED UNLESS OTHERWISE INDICATED.

ALL DISTANCES AS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

THE SUBJECT PARCEL AS SHOWN HEREON IS LOCATED ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP 12015C0244F, EFFECTIVE MAY 05, 2003, THE SUBJECT PARCEL LIES WITHIN FLOOD ZONE FLOOD ZONE X (UNSHADED) (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).

FLOOD ZONE DETERMINATION AS SHOWN HEREIN IS FOR INFORMATIONAL PURPOSES ONLY. FEMA RELATED INFORMATION SHOULD BE VERIFIED WITH FEMA OR THE APPROPRIATE GOVERNING AUTHORITY BEFORE USE.

ALL PLAT BOOKS AND OFFICIAL RECORD BOOKS SHOWN AND DESCRIBED ON THIS SURVEY PLAT ARE RECORDED IN THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

UNDERGROUND IMPROVEMENTS, IF ANY, NOT LOCATED.

SUBJECT PROPERTY CONTAINS 1,242,604.63 SQUARE FEET, MORE OR LESS (28.53 ACRES, MORE OR LESS).

LAST DATE OF FIELD WORK: 11-15-2021

PER TABLE "A" No. 2: NO ADDRESS ASSIGNED TO SUBJECT PROPERTY AT TIME OF SURVEY.

PER TABLE "A" No. 6(a): NO ZONING REPORT PROVIDED BY CLIENT.

PER TABLE "A" No. 7(a): NO BUILDINGS LOCATED ON SUBJECT PROPERTY AT TIME OF SURVEY.

PER TABLE "A" No. 9: NO PARKING LOCATED ON SUBJECT PROPERTY AT TIME OF SURVEY.

## SURVEYOR'S CERTIFICATION:

TO: JONES LOOP ROAD LLC, A DELAWARE LIMITED LIABILITY COMPANY
D.R. HORTON, INC., A DELAWARE CORPORATION
NELSON MULLINS RILEY & SCARBOROUGH LLP
FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 7(a), 8, 9, 13, 19 AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 11/15/2021.

- I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, THAT THIS PLAT OF THE HEREON DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER: 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON.
- IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM OF EMCUMBRANCES.

## LEGEND

| | |
|---|---|
| ● | SET CAPPED IRON ROD #LB6690 |
| SEC. | SECTION |
| R/W | RIGHT-OF-WAY |
| (M) | MEASURED DATA |
| (D) | DEED DATA |
| PLS | PROFESSIONAL LAND SURVEYOR |
| LB | LICENSED BUSINESS |
| PSM | PROFESSIONAL SURVEYOR AND MAPPER |
| ℄ | CENTERLINE |
| ID. | IDENTIFICATION |
| a/k/a | ALSO KNOWN AS |
| CCR | CERTIFIED CORNER OF RECORD |
| L1 | LINE 1 OF LINE TABLE |
| DOC. | DOCUMENT |
| PB. | PLATBOOK |
| PG. | PAGE |
| SQ.FT. | SQUARE FEET |
| AC. | ACREAGE |
| ± | PLUS OR MINUS |
| FDOT | FLORIDA DEPARTMENT OF TRANSPORTATION |
| ⌀ | WOOD UTILITY POLE |
| ⟵ | GUY ANCHOR |
| ⊗ | CABLE SERVICE BOX |
| -o- | OVERHEAD UTILITIES |
| △ | FIBER OPTIC RISER |
| ⊗ | TELEPHONE RISER |
| (B)=> | B-II EXCEPTION |

## LINE TABLE

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | N.00°33'07"E. | 85.00' |
| L2 | N.89°06'52"W. | 33.00' |

| NO. | DATE | REVISION DESCRIPTION | BY |
|---|---|---|---|
| 2 | 02/09/04 | REV. PER ATTORNEY COMMENTS | CDB |
| 1 | 02/04/22 | REV. PER EMAIL DATED 1/31/22 | CDB |


BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

4161 TAMIAMI TRAIL - BLDG 5 UNIT 501
PORT CHARLOTTE, FLORIDA 33952
PHONE: (941) 625-1165 FAX: (941) 625-1149

ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

WWW.BANKSENG.COM

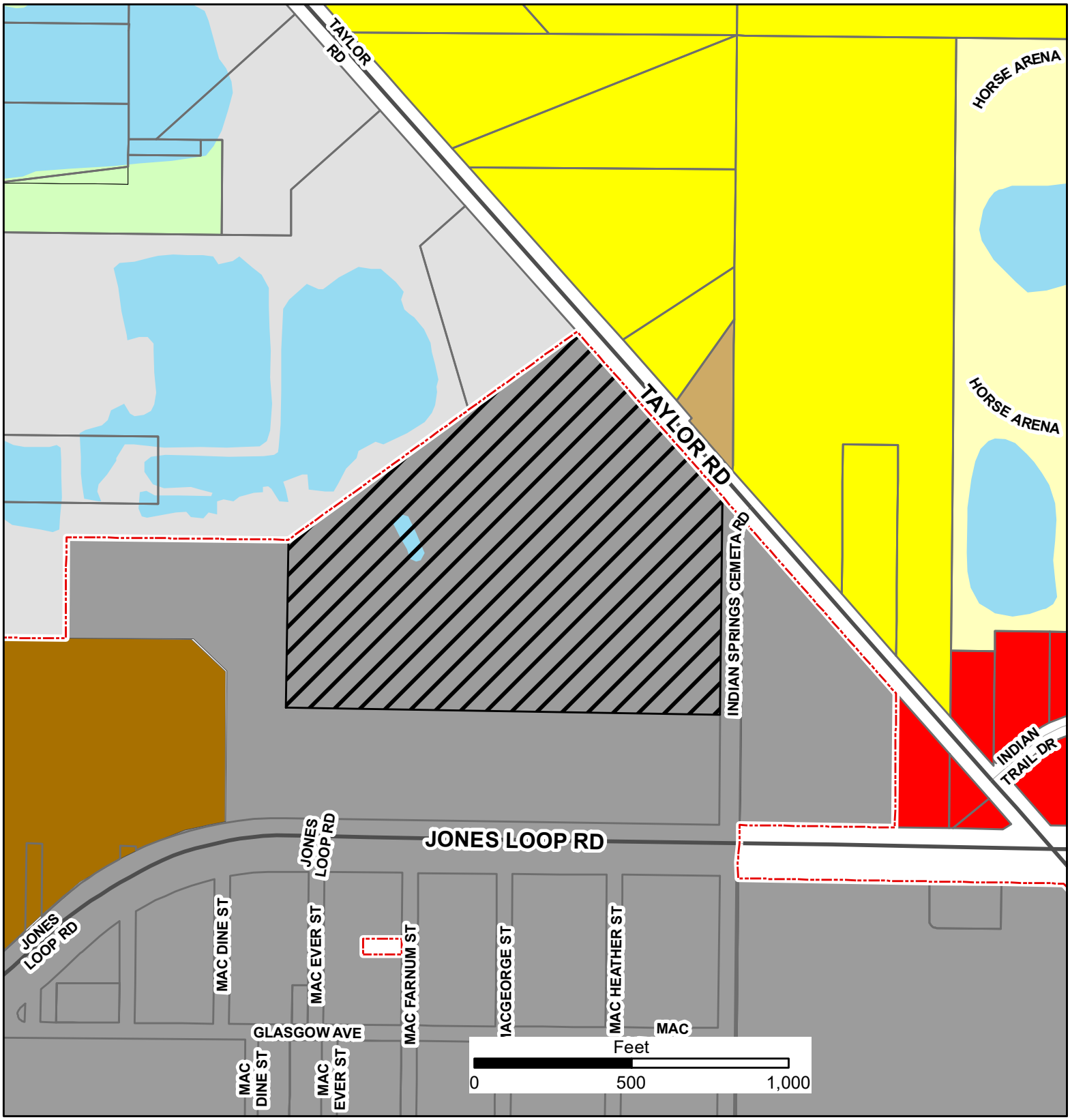

ALTA/NSPS LAND TITLE SURVEY

# JONES LOOP PROPERTY

CHARLOTTE COUNTY, FLORIDA

| DATE | PROJECT | DRAWING | DESIGN | DRAWN | CHECKED | SCALE | SHEET |
|---|---|---|---|---|---|---|---|
| 1/31/22 | 4438 | 4438-P2-ALTA | | JS | CDB | 1"=80' | 1 of 1 |

# Existing FLUM - CP-05-2022 – North Jones Loop




Subject Parcels
City Limits
Property Accounts
Major Road
Street
Railroad
Water

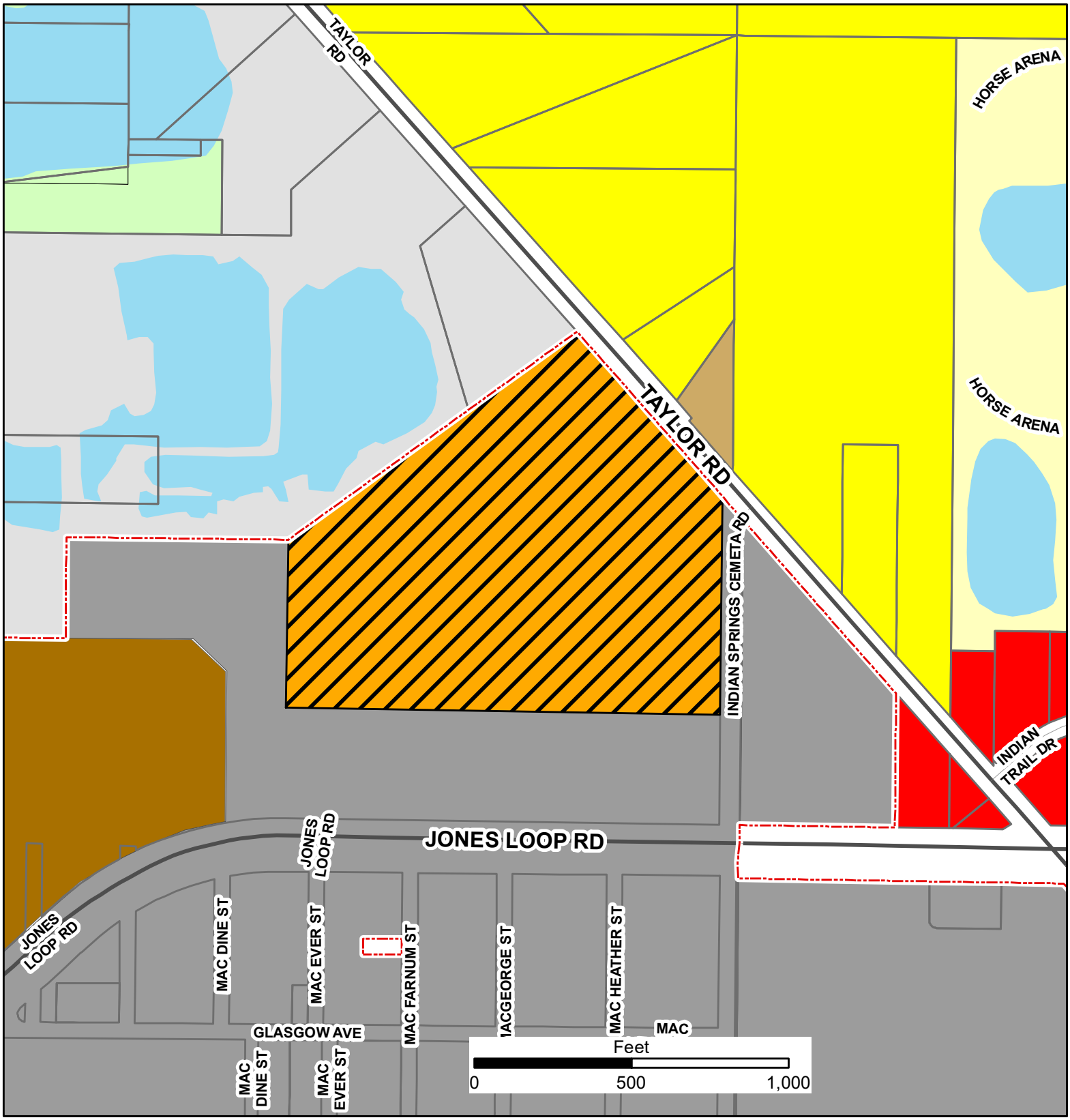
**City Future Land Use**
Highway Commercial Corridor
Low Density Residential
Medium Density Residential
High Density Residential
Mobile Home

**County Future Land Use**
Agriculture
Commercial
High Density Residential
Low Density Residential
Low Intensity Industrial
Rural Estate Residential

N
W
E
S

Punta Gorda
FLORIDA

# Proposed FLUM - CP-05-2022 – North Jones Loop




City Limits
Subject Parcels
Property Accounts
Major Road
Street
Railroad
Water

**City Future Land Use**

Highway Commercial Corridor
Low Density Residential
Medium Density Residential
High Density Residential
Mobile Home

**County Future Land Use**

Agriculture
Commercial
High Density Residential
Low Density Residential
Low Intensity Industrial
Rural Estate Residential

N
W
E
S

Punta Gorda
FLORIDA

**CITY OF PUNTA GORDA, FLORIDA**
**PLANNING COMMISSION MEETING MINUTES**
**DECEMBER 20, 2022, 2:00 P.M.**

**MEMBERS PRESENT:** Joseph Comeaux, Chair
Bradford Gamblin, Harvey Goldberg, Sherman Johnson, Lisa Kellythorne, Paul Sacilotto, Robert Sifrit

**OTHERS PRESENT:** City Attorney David Levin; Lisa Hannon, Zoning Official; Bob Fritz; Lori Leonhardt; Geri Waksler; Tina Ekblad; Wendy Mueller; Debbie Coudret; Tim Ritchie; Amber; James Loy; Willie Campbell; Lori Barry; Shane O'Reilly; Deborah Lux; Tina Ekblad; Jon Larmore; Patti Allen; Ron Zabel; Jerry Justin; Jeff Barlow; Charles Lewis; Lori Leonhardt; Shawn Monchia; Tracey Wingate; Martha Buisman; Kathleen Davis; Diane Lefeven; Cynthia Blondin; Judy Beaumont; Maureen Groff; Donna Debree; Janet Vincanen; Andrea Dirienzio; Leah Pappas; Sharon Rommel; Joan Whitney; Tammy Olsen; Gary Butler; Kurt Brown; Ralph Allen; Mario Varacove; John Wright; Chris Evans; Robert Truck; Janet Minerich; Carlene Zeches; Helen Surnok; Cathy Burnham; Gerard Costello; Mike Polk; Jere Earlywine

3) QUASI-JUDICIAL PUBLIC HEARINGS

Mr. Comeaux reviewed the procedures for public comment and quasi-judicial public hearings.

3.a CP-05-2022 - An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to reflect the change in the current designation of Highway Commercial Corridor (HCC) to Medium Density Residential (MDR) for 28.53+/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East, being a portion of the parcel described in Official Record Book 3642, Page 473, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; Providing for conflict and severability; and Providing an effective date.

***Exhibits:***
Cover Page
12-2-22 Notice of Public Hearing
Proof of property posting 12-2-2022
Staff report
Application
Proposed Ordinance
Current FLUM
Proposed FLUM

Ms. Lisa Hannon, Zoning Official, entered the staff report into the record in its entirety by reference. She reviewed staff's presentation for CP-05-2022, which included an overview of the subject property along with staff's findings and conclusions. She summarized the elements the request was consistent with in

the 2040 Comprehensive Plan (2040 Plan) as well as the concurrency requirements, concluding the Urban Design Division recommended approval of the request.

Mr. Sacilotto questioned if any commercial property remained in the area of the subject property.

Ms. Hannon replied affirmatively, expressing uncertainty whether same was anticipated to change from commercial to residential.

Ms. Geri Waksler, authorized agent, requested all supporting documents along with her comments for this request be entered into the record for both the CP-05-2022 and PD-06-2022 applications. She then provided a detailed overview of the specifications of and intentions for the request, pointing out the actions that were taken in response to staff's conditions, particularly regarding access to the property. She summarized the advantages the increased density would provide to the City, such as a change in demographic and additional housing within close proximity to employment options, adding the traffic study submitted with the application indicated the existing roadway network would accommodate current traffic as well as traffic generated by the development. She stated the City's public facilities, such as schools, utility services and landfill, had the capacity to serve the proposed development, concluding she concurred with staff's findings and conclusions and requested approval of the application.

Mr. Bob Fritz spoke in opposition to changing additional commercial property into residential property.

City Attorney David Levin suggested opening the floor for public comment following the presentation of PD-06-2022, recalling the applicant had requested to present testimony for same following this request.

**EXCERPT EXCERPT EXCERPT**

**CITY OF PUNTA GORDA, FLORIDA**
**REGULAR CITY COUNCIL MEETING MINUTES**
**JANUARY 18, 2022, 9:00 A.M.**

**COUNCILMEMBERS PRESENT:** Matthews, Dryburgh, Kuharski, Lockhart, Peterman

**CITY EMPLOYEES PRESENT:** Kristin Simeone, Finance; Bryan Clemons, Public Works; Neil Peters, Utilities; Jeff Payne, Human Resources; Joan LeBeau, Urban Design; Pamela Davis, Police; Holden Gibbs, Fire; City Attorney Levin; City Manager Murray; City Clerk Smith

3) PUBLIC HEARING AGENDA (Quasi-Judicial and Legislative)

3.d CP-05-2022 - An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to reflect the change in the current designation of Highway Commercial Corridor (HCC) to Medium Density Residential (MDR) for 28.53+/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East, being a portion of the parcel described in Official Record Book 3642, Page 473, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; Providing for conflict and severability; and Providing an effective date. FIRST READING

***Exhibits:***
Cover Page
December 2, 2022, Notice of Public Hearing
December 2, 2022, Proof of Property Posting
Staff Report
Presentation
Application
Ordinance
Current Future Land Use Map
Proposed Future Land Use Map
Applicant's Presentation

City Attorney Levin read the ordinance by title.
Ms. Hannon entered the staff report into the record by reference, stating the City received a petition to amend the Comprehensive Plan Future Land Use Map from Highway Commercial Corridor to Medium Density Residential. She reviewed the policies and objectives that were consistent with the applicable 2040 Comprehensive Plan (2040 Plan) Elements as well as the concurrency requirements for roadway, potable water, sanitary sewer, stormwater and drainage facilities as well as solid waste removal, parks and recreation and public schools. She presented staff's findings and conclusions, noting the Planning Commission and Urban Design Division staff recommended approval with the stated conditions.
**Councilmember Kuharski** inquired as to a plan for transferring density units to the project.

Ms. Hannon replied same would be handled through the County's density unit transfer process.
**Mayor Matthews** inquired as to who would make improvements to Indian Springs Cemetery Road.
Ms. Hannon replied the applicant would be responsible for same.
Mr. Mitchell Austin, Principal Planner, explained a study suggested reconfiguration of the intersection of Taylor Road and north Jones Loop Road due to safety concerns, noting Indian Springs Cemetery Road would become a relief road. He opined locating the primary entrance for this project on Indian Springs Cemetery Road made sense in the long term.
Ms. Geri Waksler, applicant's representative, stated she would make a single presentation for CP-05-2022 and PD-06-2022. She presented information regarding the Comprehensive Plan and rezoning requests, noting the proposed mixed-use community would offer apartment, attached-villa and single-family housing together with the ability to develop up to 504,000 square feet on the remaining 63 commercial acres. She stated the applicant rejected staff's suggestion to locate the primary entrance on Indian Springs Cemetery Road based on an unfunded long-term plan, pointing out the road's width was insufficient, its intersection with Taylor Road was at an odd angle and visibility of the project would be insufficient. She suggested it was inequitable to require the applicant to relocate the primary entrance from Taylor Road and to fund improvements to Indian Springs Cemetery Road, adding secondary access was located on Jones Loop Road. She indicated the requested density of 5.12 units per acre was just above the upper limit of low residential density of 5 units per acre and would increase both the project's viability as well as commercial development in the area. She reported the traffic study indicated the existing roadway network would accommodate current traffic as well as traffic generated by the development. She joined in staff's analysis and conclusions with the exception of relocation of the primary access, concluding by requesting approval of the Comprehensive Plan amendment and the Planned Development.
**Councilmember Lockhart** questioned if the property could be developed based on its unusual shape.
Ms. Waksler replied affirmatively, anticipating stormwater management would be placed on the north of the site.
**Councilmember Kuharski** opined the developer should pursue a Costco in the area.
Ms. Waksler responded there would be sufficient space for a Costco in that location if they desired to develop there. She noted Costco had examined properties in the area; however, some of the focus had been further south in order to attract Fort Myers residents.
**Mayor Matthews** inquired where the density would come from.
Ms. Waksler stated most density came from east Charlotte County from agricultural plats with density associated with them.
**Mayor Matthews** concurred with the need for a secondary entrance. She then inquired as to the proposed building heights.
Ms. Waksler replied the plans showed 38 feet.
**Mayor Matthews** estimated there were 25,000 new residential units coming, voicing concern there was insufficient commercial to support them.
Ms. Waksler responded a significant amount of commercial was proposed.
**Mayor Matthews** opened the floor for public comment.

Ms. Debra Lutz stated City Council repeatedly stated commercial properties were needed but they continued to make exceptions to allow more residential, expressing preference to pursue greater commercial development.
Mr. Tim Ritchie expressed concern regarding the environmental impact of the proposed development.
Ms. Kay Abbs asserted there was no room for a Costco.
Ms. Waksler drew members' attention to the aerial view of the property, particularly a parcel set aside to accommodate development of a big-box store.
**Mayor Matthews** called three times for public comment.
Councilmember Lockhart **MOVED** to close the public hearing, **SECONDED** by Councilmember Peterman.
**MOTION UNANIMOUSLY CARRIED.**
**Councilmember Lockhart** received clarification from Ms. Hannon that the applicant was not proposing to access Indian Springs Cemetery Road.
Mr. Austin explained staff's recommendation to relocate the primary access to Indian Springs Road was based on a long-term plan which may eliminate full median access to the entrance on Taylor Road as well as the existing condition of the traffic signal at Jones Loop Road and Indian Springs Cemetery Road. He reiterated staff was recommending one access be on Indian Springs Cemetery Road in addition to the access on Jones Loop Road.
Ms. Waksler opined it was not appropriate to place an entrance from the project on Indian Springs Cemetery Road, suggesting it was more realistic for the commercial development to install an access road just south of the property line for access to Indian Springs Cemetery Road. She asserted it was not appropriate to place the onus of improving Indian Springs Cemetery Road on the residential project.
Discussion continued regarding staff's recommendation to relocate the Taylor Road access point to Indian Springs Cemetery Road.
Councilmember Kuharski **MOVED** approval of CP-05-2022, with staff's conditions, **SECONDED** by Councilmember Dryburgh.
**VOTING AYE:** Matthews, Dryburgh, Kuharski, Peterman.
**VOTING NAY:** Lockhart.
**MOTION CARRIED.**

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**PUBLIC HEARING AGENDA**
**(Quasi-Judicial and Legislative)**

| | |
|---|---|
| **Title:** | **PD-06-2022** - An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning property addressed as 9298 MacEver Street, containing 28.53 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East, being a portion of the parcel described in Official Record Book 3642, Page 473, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; from Highway Commercial (HC) to Planned Development Neighborhood (PDN); Providing for certain modifications to the regulations applicable to the Planned Development Neighborhood zoning classification; Providing for conflict and severability; and Providing an effective date. **SECOND READING** |
| **Funds:** | Not applicable |
| **Recommended Action:** | Urban Design staff recommends approval of the Planned Development request with the conditions outlined in the staff report. |
| **Summary:** | The authorized agent for the property owner has filed a petition to rezone the parcels of land bounded and described in Exhibit "A" from Highway Commercial (HC) to Planned Development Neighborhood (PDN). The proposed residential community will contain up to 146 platted lots for detached single-family homes, attached single-family villas, a community recreation area, on-site parking, and a stormwater management system. |
| **Department/Division:** | Urban Design |

**EXHIBITS:**

1. December 2, 2022, Proof of Property Posting
2. Staff Report
3. Application
4. Ordinance
5. Current Zoning
6. Proposed Zoning
7. Planning Commission Excerpt
8. City Council Excerpt

**CITY OF PUNTA GORDA, FLORIDA**
**PUBLIC HEARING NOTICE**

Jones Loop Road LLC
Applicant

Cp-05-2022 & PD-06-2022
File # & Title

**AFFIDAVIT OF POSTING NOTICE**

**STATE OF FLORIDA**
**COUNTY OF CHARLOTTE**

**BEFORE ME**, the undersigned authority, personally appeared Nick Falkner, Code Compliance Officer for the City of Punta Gorda who, after being duly sworn, deposes and says:

1. That on December 2, 2022 the **NOTICE OF PUBLIC HEARING SIGN** was posted at 9298 MAC EVER ST, Punta Gorda, Florida;

2. That this property is owned by JONES LOOP ROAD LLC
The ownership was established through the Charlotte County Property Appraiser's records (ownership tax records). This is the normal procedure used to establish ownership of property.

**FURTHER AFFIANT SAYETH NOT.**

Dated this 2nd day of December, 20 22.

Code Compliance Officer

**STATE OF FLORIDA**
**COUNTY OF CHARLOTTE**

The foregoing instrument was acknowledged before me this 2 day of december, 2022 by Nick Faulkner, who is personally known to me and who did not take an oath.

Signature, Notary Public

(SEAL)

SAMANTHA SORRENTINO
MY COMMISSION # GG 947164
EXPIRES: February 16, 2024
Bonded Thru Notary Public Underwriters

# NOTICE OF PUBLIC HEARING

**YOU ARE HEREBY** notified that the City of Punta Gorda, Florida Planning Commission will hold a Public Hearing on **Monday, December 20, 2022, at 2:00 p.m.** and City Council of the City of Punta Gorda, Florida will hold a Public Hearing on **Wednesday, January 18, 2023, at 9:00 a.m.** or as soon thereafter as may be heard to consider the following requests:

**TO CONSIDER:**

CP-05-2022 – An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to reflect the change in the current designation of Highway Commercial Corridor (HCC) to Medium Density Residential (MDR) for 28.53 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East, being a portion of the parcel described in Official Record Book 3642, Page 473, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; Providing for conflict and severability; and Providing an effective date.

PD-06-2022 – An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning property addressed as 9298 MacEver Street, containing 28.53 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East, being a portion of the parcel described in Official Record Book 3642, Page 473, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; from Highway Commercial (HC) to Planned Development Neighborhood (PDN); Providing for certain modifications to the regulations applicable to the Planned Development Neighborhood zoning classification; Providing for conflict and severability; and Providing an effective date.




Said hearings will be held in Council Chambers at the Military Heritage Museum, 900 W Marion Ave., Punta Gorda FL, 33950.

Any persons desiring to be heard on this matter may appear at the above time and place.

**FOR ACCOMMODATIONS AND ADDITIONAL INFORMATION PLEASE CONTACT :**

**URBAN DESIGN DIVISION**

**PHONE: (941) 575-3372**

**EMAIL: URBANDESIGN@CITYOFPUNTAGORDAFL.COM**

Punta Gorda

12/02/2022 16:01

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Punta Gorda

# PLANNED DEVELOPMENT STAFF REPORT

| | |
|---|---|
| TO: | Punta Gorda City Council |
| FROM: | Urban Design Staff |
| HEARING DATE: | February 1, 2023 |
| RE: | PDV-06-2022 – Planned Development Neighborhood – Seacove |

*Request:*

**PD-06-2022** – An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning property addressed as 9298 MacEver Street, containing 28.53 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East, being a portion of the parcel described in Official Record Book 3642, Page 473, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; from Highway Commercial (HC) to Planned Development Neighborhood (PDN); Providing for certain modifications to the regulations applicable to the Planned Development Neighborhood zoning classification; Providing for conflict and severability; and Providing an effective date.

*Introduction:*

Jones Loop Road, LLC, Property Owner, has filed with the City of Punta Gorda a petition to rezone the parcels of land being bounded and described in Exhibit "A" attached hereto and incorporated herein; from Highway Commercial (HC) to Planned Development Neighborhood (PDN).

*Summary:*

Jones Loop Road, LLC has submitted this application for Planned Development rezoning on 28.53± acres located along both Jones Loop Road and Tamiami Trail (U.S. 41) (the "Property"). The Property is part of a large multi-use development that lies both north and south of Jones Loop Road. The overall development will contain a variety of housing types – a multi-family apartment complex has previously been approved within the development, north of Jones Loop Road. Commercial development is planned along both sides of Jones Loop Road. A single-family residential community is planned for the Property. The residential community will contain up to 146 platted lots for detached single-family homes, attached single-family villas, a community recreation area, on-site parking, and a stormwater management system.

*Findings based on the City Code of Ordinance Chapter 26, Section 5.9(b)(1-3):*

Jones Loop Road, LLC, Property Owner, has filed with the City of Punta Gorda a petition to rezone the parcels of land being bounded and described in Exhibits "A" attached hereto and incorporated herein; from Highway Commercial (HC) to Planned Development Neighborhood (PDN). Pursuant to Article 16.1 (g) (1-3), the proposed zoning amendment has been noticed in the newspaper 15 days in advance of the public hearing held today.

Property owners within two hundred feet of the property lines have been noticed 10 days prior to this meeting date.

A notice of public hearing sign was posted on the subject property 15 days prior to this meeting, as required by law.

*Findings based on the City Code of Ordinance Chapter 26, Section 5.9(b)(4). Code Modifications. The PD Plan shall include a detailed and complete listing of all proposed modifications of otherwise applicable code requirements. The request for code modifications shall be processed concurrently with the PD Plan and Zoning Amendment:*

*a. Is in conformity with the Comprehensive Plan.*

Planned Development Neighborhood [PDN] Districts are intended to encourage the development of a mixture of housing types and price ranges and to promote the organization of residential development into efficient neighborhoods with appropriate supportive community facilities and services.

This request for a Planned Development Neighborhood (PDN) is in conformity with the City's adopted Comprehensive Plan 2040 as outlined below.

**Future Land Use Element**

**Policy 1.1.2.1** Punta Gorda will require the availability of water City of Punta Gorda Comprehensive Plan 2025 1-113 and sewer, and other facilities and services for which there are LOS standards, concurrently with new development in the City. Additionally, development orders and permits will be specifically conditioned on the availability of the facilities and services necessary to serve the proposed development; and that facilities that provide utility services to the various land uses are authorized at the same time as the land uses are authorized. Punta Gorda will regulate the time frame for availability of such facilities and services within areas to be annexed.

*Utility improvements may be necessary to obtain utility service to the subject property. Off-site utility improvements may be required to obtain utility service to the subject parcel. Off-site utility line extensions will be required to meet the future development scenarios consistent with the Utility planning scenarios.*

**Policy 1.1.4.3:** Punta Gorda will promote infill development and redevelopment consistent with the Future Land Use Map through its land development regulations and other means such as public improvements and economic facilitation.

*The property is considered an infill property that is within the vicinity of existing commercial development along Jones Loop Road. The development of this property promotes the type of development referenced in Policy 1.1.4.3.*

**Policy 1.1.9.5:** Punta Gorda will apply appropriate site planning requirements such as environmental surveys, on-site stormwater management, wetlands preservation, etc., according to the needs of the situation in the context of applicable law and sound planning practice.

**Objective 1.1.10:** Punta Gorda will discourage urban sprawl by controlling the extension of urban facilities and services to non-urban areas and by encouraging urban infill development.

**Policy 1.1.10.2:** Punta Gorda will encourage infill development within the City by maintaining a high level of urban services, by cooperating with the private sector in promoting economic growth, and by maintaining land development regulations that facilitate the sensitive integration of new development in older urban areas.

**Objective 1.1.14:** Punta Gorda will maintain a Future Land Use Map and land use classification system that provides for the distribution, extent and location of a variety of land uses.

**Policy 1.1.14.1:** Residential lands are areas that are intended to be used predominantly for housing. Other uses that are consistent with residential character may be permitted subject to the requirements of the land development regulations. Examples of potentially compatible uses include, but are not limited to, houses of worship, nursing homes, parks, golf courses, libraries, schools, and day care centers. In order to preserve the existing character of the traditional suburban neighborhoods, reduce climate change risk and ensure economically viable traditional downtown and adjacent mixed use commercial area. Residential lands are appropriate as sending zones via the City's existing transfer of development rights (TDR) program. The following residential land classifications exist to provide a range of housing densities and housing types.

> **Medium-Density:** This classification permits residential structures other than mobile homes at densities up to 10.0 units per acre.

**Conservation Element**

**Objective 2A.1.1:** Punta Gorda will protect the quality of its air by promoting a compact development pattern which limits the need for automobile trips and their related emissions, and by adopting standards for industrial development.

**Policy 2A.1.1.1:** Punta Gorda will enable the reduction of automobile vehicle miles traveled by controlling the pattern of land uses and maintaining a compact urban form (through the FLUM and utility extension policies) to potentially shorten and consolidate trips, and by construction of sidewalks and bicycle facilities to facilitate non-polluting modes.

**Coastal Management Element**

**Policy 2B.5.1.2:** The City will review and update stormwater management regulations to ensure best practices are utilized for all development and redevelopment activities.

**Infrastructure Element**

**Policy 3.2.1.4:** Utility extension over the next planning period will involve consideration of proximity to existing urbanized areas for the effect on the efficient use of existing and planned utilities infrastructure, the City's future land use needs, and the desire to encourage compact and contiguous growth.

**Policy 3.2.1.7:** Water and sewer line extension proposals will be reviewed for compact and contiguous development and provision of services to land uses encouraging or increasing economic development efforts.

**Objective 3.2.2:** Coordinate with the Future Land Use map to ensure that development and building permits are issued based on adequate potable water availability and an adopted level of service.

**Policy 3.2.2.3:** Review all land use amendments, zoning changes, or utility service area extensions to determine the availability of utility system capacity.

**Policy 3.4.1.1:** Continue to utilize the Zemel Road Landfill as a solid waste disposal site to meet the City's 20 year solid waste demand needs.

**Policy 3.7.2.3:** Punta Gorda will enforce stormwater management regulations for all new development or redevelopment in accordance with methodologies approved by SWFWMD.

**Policy 3.7.2.4:** Punta Gorda will continue to require developers to:

a. Provide for soil stabilization and erosion control devices during construction.
b. Provide stabilization of all stormwater facilities when completed.
c. Provide stormwater facilities that attenuate a 25-year, 24-hour design storm in accordance with SWFWMD methodologies.
d. Provide stormwater facilities such that the post development runoff rate does not exceed the pre-development runoff rate for the site. On developments that are less than two acres of impervious area and ten acres in total size, as a minimum water quality volumes shall be provided.
e. Provide certification by a professional engineer that the stormwater facilities were built according to approved plans and permits.

**Housing Element**

**Objective 4.1.1:** Throughout the planning period through 2030, Punta Gorda will provide for a variety of housing types and residential densities to accommodate the needs of current and future populations, as well as meeting the special housing needs of its citizens.

**Policy 4.1.1.2:** Consistent with the Comprehensive Plan, Punta Gorda's Land Development Regulations (including zoning regulations) will make possible a variety of lot sizes, densities, and housing types, including single-family, multi-family, mobile home, patio homes, and zero lot line homes.

**Policy 4.1.8.1:** Punta Gorda will prevent intrusion of more intensive land uses upon residential areas by policies in the Comprehensive Plan directing residential growth toward infill areas (e.g., water and sewer policies), reducing incompatible uses (e.g., elimination of non-conforming uses), mitigating related conditions of more intensive development (e.g., standards for industrial development), and separating land uses through the FLUM and FLUM classifications.

**Policy 4.1.8.2:** Punta Gorda will continue to use the Future Land Use Map #5 amendment process and the rezoning and special exception approval processes to assure that new proposed land uses are compatible with existing residential uses, and will not significantly contribute to the degradation of residential neighborhoods.

**Recreation and Open Space Element**

**Objective 5.1.2:** Punta Gorda will promote the use of public and private resources to meet recreation demands.

**Policy 5.1.2.1:** Punta Gorda will maintain a recreation and open space plan with standards that integrate public, semi-private, and private recreational facilities into an overall plan.

**Policy 5.1.2.2:** Punta Gorda will require developers of residential subdivisions or planned unit developments to dedicate or set aside lands for parks, or to develop and maintain a private or semi-private park system as part of their development, or otherwise contribute to the acquisition and/or development of parks.

**Transportation Element**

**Objective 7.3.4:** Punta Gorda will provide adequate road capacity levels of service to accommodate present and anticipated future vehicular travel demand, based on adopted Level of Service (LOS) and ensure the impacts of development approvals occur concurrently with adequate roads and that maximum safety, efficiency, and cost effectiveness are achieved.

**Policy 7.3.4.1:** The minimum acceptable level of service for all City classified roads is LOS "D".

**Policy 7.3.4.5:** The City will monitor level of service conditions to determine when implementation of alternative street level of service (LOS) strategies needs to be established.

**Public School Facilities Element**

**Objective 8.1.2:** The City shall require a school concurrency review be performed by the School District to ensure that adequate school facility capacity within the Public School Concurrency Service Area (SCSA) is available to accommodate the projected residential development in accordance with the adopted level of service standard for schools.

**Policy 8.1.2.1:** The City shall not approve any non-exempt residential development application for preliminary plat, site plan or functional equivalent until the School District has verified that available capacity exists to serve the development.

**Policy 8.1.2.3:** The City, through its land development regulations, shall establish a school concurrency review process for all residential projects that are not exempt under Policy 8.1.2.2. The minimum process requirements are described below:

a. A residential development application is submitted to the local government, which includes a School Impact Analysis (SIA). The local government determines application is sufficient for processing and transmits the SIA to the School District for review.

b. The School District reviews the application for available capacity and issues a School Capacity Availability Determination Letter (SCADL) to the local government.

c. If capacity is available within the CSA (or an adjacent CSA), the School District shall issue a SCADL verifying available capacity.

d. If capacity is not available within in the CSA (or an adjacent CSA), the School District shall issue a SCADL indicating the development is not in compliance with the adopted LOS and may offer the developer a negotiation period to present mitigation options.

e. The City shall not issue approval any site plan, subdivision plan, preliminary or final plat approval or functional equivalent for a residential development until receiving confirmation of available school capacity in the form of a SCADL from the School District.

**Intergovernmental Coordination Element**

**Policy 9.1.1.1**: Punta Gorda will act to establish a formal notification process between the entities and continue to inform the respective Growth Management Departments of Charlotte County and Punta Gorda in the following ways:

b) The City will notify Charlotte County of annexations, plan amendments, subdivision, and zoning actions other than variances and special exceptions.

**Policy 9.1.1.5:** The City of Punta Gorda will act to coordinate with the School Board of Charlotte County in implementing the Updated Interlocal Agreement for Coordinated Planning and School Concurrency in effect with the County and the School Board to a minimum:

a. Punta Gorda expects that The School Board of Charlotte County will coordinate with the City in fulfillment of the School Board's responsibilities under the Joint Interlocal Agreement outlined in Chapter 163.31777, and under Chapter 235.19 and 235.193, F.S.

b. Continue to coordinate changes in land use plans, school facility capacity, population projections, development trends and future student populations. The City, County and Public School District staff (Staff Working Group), will meet as needed, but no less than

annually to discuss these issues and formulate recommendations prior to any party making a decision which could impact on the areas of concern of the other parties.

**Policy 9.1.2.6:** The implementation of stormwater drainage planning in Punta Gorda will be coordinated through the Southwest Florida Water Management District (SWFWMD) permitting process.

**Policy 9.1.2.11:** Future development in the City and other affected jurisdictions will pay their proportionate fair share cost of infrastructure and services resulting from the development's impact.

**Capital Improvement Element**

**Objective 10.1.4:** Punta Gorda will manage growth and development by requiring that adopted level of service standards are maintained by public or private investment.

**Policy 10.1.4.1:** Punta Gorda, as well as private providers of infrastructure, will meet or exceed the adopted level of service standards identified herein for the seven LOS facilities described in the Infrastructure Element (Sanitary Sewer, Potable Water, Stormwater Drainage, and Solid Waste), Recreation and Open Space Element, Transportation Element (Traffic Circulation) and the Public School Facilities Element. Said LOS standards shall be as follows:

| Element | Level of Service (LOS) |
|---|---|
| Infrastructure | Potable Water - 141Gallons per person per day (or 287 gallons per ERU per day)<br>Sanitary Sewer - 83 Gallons per person per day (or 169 gallons per ERU per day)<br>Solid Waste - 7.2 Pounds per person per day<br>Stormwater - C - using a 25 year/24 hour design |
| Transportation | D - on all major arterials<br>E - on all minor arterials<br>D - on all county collections<br>D - on all City maintained roads |
| Recreation and Open Space | 5 acres per 1,000 population |
| Public Schools | Elementary – 95% total capacity<br>Middle – 100% total capacity<br>High – 100% total capacity |

**Objective 10.1.5:** Future development in Punta Gorda will pay the proportionate cost of infrastructure and services resulting from its impact.

**Policy 10.1.5.1:** Punta Gorda will assess impact fees or accept impact fee credits on new development to cover the fair share costs of capital improvements resulting from new growth and to maintain appropriate levels of service.

**Historic Element**

The property is not located within any existing historic district, therefore there are no impacts to the Historic Element.

*b. Is compatible with the surrounding neighborhood.*

Development of this infill parcel is precisely the type that Policy 1.1.4.3 states will be promoted by the City.

| DIRECTION | FUTURE LAND USE | ZONING | EXISTING LAND USE |
|---|---|---|---|
| North (County) | Low Intensity Industrial/County | Industrial General/County and Rural Estate 1 unit/acre/County | Auto Sales/Repair/Storage/County and Residential/Grazing land/County |
| South (City) | Highway Commercial Corridor/City | Highway Commercial/City | Vacant Commercial Land/City |
| East (City) | Highway Commercial Corridor/City | Highway Commercial/City | Vacant Commercial Land/City |
| West (City) | Highway Commercial Corridor/City | Planned Development Neighborhood/City | Multi-family development/City |

*c. Mitigates conflicts of use with adverse impacts on existing and planned development.*
The proposed project is a single-family development, which is one of the lowest intensity of uses, therefore the proposed project is not anticipated to create adverse impacts on adjacent properties.

*d. Provides adequate public facilities and amenities.*
A letter has been received by the applicant from the City of Punta Gorda Utilities Department, which indicates the properties are in the Utility service area, however, at this time no distribution or service lines have been constructed in this community. Utility improvements may be necessary to obtain utility service to the subject property. Off-site utility improvements may be required to obtain utility service to the subject parcel. Off-site utility line extensions will be required to meet the future development scenarios consistent with the Utility planning scenarios.

*e. Adequately accommodates anticipated motor vehicle traffic volumes, including emergency vehicle access.*
Based on the traffic impact study submitted by the applicant and verified by staff, the existing roadway network will accommodate background traffic and traffic generated by the Project, and the study area roadway segments are projected to operate within adopted levels of service. The Project provides two (2) access points – main access off of Taylor Road and secondary access off of Jones Loop Road.

*f. Preserves ecologically sensitive areas to the extent practical.*
The property is currently vacant, an environmental study has been submitted with the Planned Development application package.

Conclusion of the Environmental Study: *The parcel is located within the consultation area of several federally listed species. Gopher tortoises were the only listed species observed on the parcel. No direct evidence of utilization by any other species requiring permits by either the FWC or FWS was observed during the site inspection. The site is located just beyond the secondary 660' bald eagle nest protection zone. Additional coordination relative to the nest may be required during permitting and development of the parcel.*

*The site contains a habitat (FLUCCS 742 – Borrow Area) which meets the criteria to be claimed as other surface water by SWFWMD and potentially the FDEP. Compensatory mitigation for impacts to the surface water will likely not be required.*

*g. Mitigates unfavorable topographic and geological conditions.*
Any and all site work will be performed in compliance with all Federal, State and City regulations after proper permitting.

*h. Includes appropriate noise attenuation measures*.

The proposal is for a single-family development with associated on-site parking, community amenities, recreation areas, and open space. No commercial component is proposed on the site. Due to the low intensity of the single-family use, no adverse noise impacts are anticipated for the proposed development.

*i. Exhibits superior architectural treatment and site planning as measured by the following criteria:*
*i-1. Architectural treatment should avoid massive, monolithic and repetitive building types and facades.*

All Planned Developments are subject to the Architectural requirements of Article 7 and will be further reviewed at time of Development Plans.

*i-2. Landscaping should increase the visual quality of building design, open space, vehicular and pedestrian areas and screen areas of low visual interest [such as storage and delivery areas] from public view.*

The landscaping will be required to meet the Land Development Regulations at the time of development.

*i-3. Street and parking systems should contribute to the aesthetic character of the development.*

The proposed conceptual site plans show adequate traffic circulation. Any internal streets and/or parking areas will be designed within the required regulations. A sidewalk is proposed along one side of the private roadway to serve the Project.

*i-4. Signs shall be compatible with the design and scale of the development and contribute to the visual character of the development.*

All signs are required to meet the sign code in effect at the time of construction and will be further reviewed at the time of permit submittal.

*i-5. Neighborhood retail commercial and office uses where provided should blend architecturally with surrounding residential uses or be appropriately separated by distance, screening or topography.*

No commercial element is proposed.

*i-6. Open space, recreation and other public facilities should be integrated with the organizational scheme of the planned development.*

The proposed project provides 3.25 +/- acres of recreation and open space, exceeding the required Level of Service.

*i-7. Pedestrian and bicycle circulation systems should be included to assure safe and convenient access between properties and within the neighborhood.*

Internal sidewalk connectivity is proposed for the development site. The bicycle and pedestrian circulation system will be further reviewed at the time of the DRC application submittal.

*i-8. Non-residential uses shall be located on arterial or collector streets without creating through traffic in residential areas.*

No commercial element is proposed however, internal connectivity will be provided to the adjacent commercial area.

*i-9. Development plan should be arranged to maximize the opportunity for privacy and security by residents.*

The proposed single-family development includes the option for gated ingress/egress to provide security for the site.

*Additional Findings:*

Finding #1: The Planned Development application is in order and the Comprehensive Plan Future Land Use Map amendment application is running concurrently with this petition.

Finding #2: The proposed rezoning provides the opportunity for infill development of a variety of housing types, which is consistent with Objective 4.1.1.

Finding #3: The existing roadway can accommodate the anticipated traffic. City staff is recommending the entrance be changed to Indian Springs Cemetery Road.

Finding #4: The proposed project will be served by the City of Punta Gorda's water and wastewater services. Additional service lines to the project site will be required to be installed at the owner/developer's expense.

Finding #5: The environmental study provided a Gopher Tortoise and borrow area have been identified. An eagle nest was also identified but remained outside the project area.

Finding #6: The "Loop Municipal Service Area" Interlocal agreement of October 2013, Section 10, provides a base residential density of 328 units (dwellings) for the entirety of the boundary area. Additionally, it states that the City will (has) granted an additional **122 units** (dwellings) from the City certified through the County TDU program. In sum, the agreement provides a total of **450 dwelling units** (du) to the total land area identified as the "Loop Municipal Service Area".

Finding #7: PD-1-2020, Ordinance 1958-2020, approved October 21, 2020, **297 du** were allocated to this project within the "Loop Municipal Service Area" leaving **153 du** of the **450 du**.

Finding #8: The Seagrass Subdivision development (south of Jones Loop Rd) is proposing 240 du and the Seacove Subdivision development is proposing 146 du, (297+240+146 = 683), leaving a deficit of 233 du. A transfer of density units was approved by Charlotte County for 87 du, leaving a deficit of 146 du. The project will require a transfer of 146 TDUs for the proposed development.

Finding #9: A separate subdivision/re-platting application has been submitted and will be reviewed separately prior to development.

*Conclusions - Based on the approval criteria presented above, the Punta Gorda Urban Design Division offers the following conclusion(s):*

Conclusion #1: The Planned Development rezoning request is consistent with the Goals, Objectives and Policies of the Comprehensive Plan as outlined in the staff report above.

Conclusion #2: The subject property is located in the "Loop" area and will provide for a variety of housing types and residential densities to accommodate the needs of current and future populations as stated in Objective 4.1.1.

Conclusion #3: The existing roadway can accommodate the anticipated traffic for the proposed development, however, City staff recommends changing the primary entrance to Indian Springs Cemetery Road.

Conclusion #4: The properties are located within the Punta Gorda Utility Service area, however, distribution and collection lines have not been constructed at this time. Utility improvements may be necessary to obtain utility service to the subject property.

Conclusion #5: Protected species identified by the environmental study include Gopher Tortoise, a borrow area, and an eagle nest. The eagle nest remains outside of the project area.

Conclusion #6: The Loop Interlocal Agreement capped the residential density to 450 dwelling units (du) Parkside Punta Gorda utilized 297 du, the Seagrass Subdivision development (south of Jones Loop Rd) is proposing 240 du, and the Seacove Subdivision development is proposing 146 du, (297+240+146 = 683), leaving a deficit of 233 du.

Conclusion #7: A transfer of density units was approved by Charlotte County for 87 du, leaving a deficit of 146 du. The project will require a transfer of 146 TDUs for the proposed development.

Conclusion #8: The subdivision/re-platting will require a separate public hearing process for review and consideration by City Council.

*Staff Recommended Conditions of Approval*

1. Applicant must address all water/wastewater capacity service criteria pursuant to the determination of availability letter provided by the Utilities Department.
2. If permits are required by the appropriate regulatory agencies regarding protective species or environmental areas located on the site, these must be submitted prior to DRC approval.
3. The project will require a transfer of 146 TDUs prior to Development Review Committee (DRC) application approval.
4. The subdivision will require a separate review and approval prior to development.

5. The requirements 1-9 listed above are requested to be considered as conditions for approval and will be reviewed at the time of development plan submittal.

*Staff Recommendations - based on the aforementioned approval criteria findings & conclusions:*

Urban Design staff recommends approval of PD-06-2022, with the above-stated conditions.

The City of Punta Gorda Planning Commission recommended unanimous approval of PD-06-2022.

CITY OF PUNTA GORDA

URBAN DESIGN
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-3372
Zoning@CityofPuntaGordaFL.com
UrbanDesign@CityofPuntaGordaFL.com

# PLANNED DEVELOPMENT APPLICATION

| **DATE RECEIVED:** | **FILE # PD-**<br><br>**Application Fee: $1,500.00** |
|---|---|
| **Application and all pertinent required data (listed below) MUST be submitted with this application** | |
| ■ ORIGINAL application with Signed & Notarized Planned Development Application and/or Affidavit Authorization for Agent (if applicable) | ■ 3 copies, of a concept plan, drawn to a scale of 1 inch = 100 feet, or a scale agreed to by the City, containing the following information:<br>a. Boundaries of the entire property;<br>b. Total area of the property in square feet and acres;<br>c. Location of all existing and proposed structures, including but not limited to lighting, signs and buildings;<br>d. Location and distance of all off-site structures within 50 feet of the property, including but not limited to lighting, signs and buildings;<br>e. All required minimum yards and the distances of all existing and proposed structures to the lot lines;<br>f. Public rights of way, indicating names, route numbers, and width;<br>g. Proposed means of ingress and egress to the property from a public street;<br>h. Parking spaces, existing and/or proposed, indicating minimum distance from the nearest property lines;<br>i. Where applicable, seating capacity; usable outdoor recreation area, emergency access, fencing, limits of clearing, landscaping and screening, outside lighting, loudspeakers and required and/or proposed improvements to public rights-of-way; and<br>j. Existing zoning designation and use of subject and adjacent properties. |
| ■ A copy of the deed or other evidence of ownership | |
| ■ Detailed explanation of the purpose of this request | |
| ■ Map showing the zoning of ALL the property contiguous with the subject property | |
| ■ SCADL (School Concurrency Approval Determination Letter) attain by School Department | |
| ■ Digital Text file of metes and bounds description of Property | |
| ☐ AutoCAD base files in AutoCAD 2014 Version or newer | |
| ■ Plot Plan: Should show existing buildings, uses of each, dimensions, spacing between and setbacks from property lines; off-street parking showing spaces marked off. (if applicable) | |
| ■ Signed and sealed boundary survey, completed no more than 12 months prior to the application that accurately shows the current condition of the property to include all existing streets, watercourses, natural feature, vegetation and topography and exact location of all buildings and structures.<br>☐ Survey MUST show ALL Easements, Dedications & Improvements<br>☐ Survey must have a metes and bounds description of the property showing water and sewer main locations and fire hydrant locations<br>■ Date of Survey: March 9, 2022<br>■ Total Acreage of Property 28.53 +/-<br>■ Square Footage 1,242,604.63 | |

***In addition to the original application a CD/DVD of all supporting documentation needs to be submitted in a separate PDF, appropriately identified by name.***

**Preface -** This request for a change to the Zoning Atlas (zoning) must be consistent with all elements of the adopted Comprehensive Plan of the City of Punta Gorda. Should there exist a conflict between the proposal contained herein and the Comprehensive Plan, an amendment to the Comprehensive Plan will have to be made prior to final action on this zoning request.

**Information to Be Submitted with Application -** In order that this application be processed in a timely fashion, the correct and complete information is necessary. It is suggested that the applicant bring the application to the Zoning & Code Compliance Division, 126 Harvey St., Punta Gorda, Florida 33950, where it can be reviewed by the staff prior to filing. The Zoning & Code Compliance Division accepts no responsibility for the completeness or accuracy of the

application. Errors in the filed application may result in delays with respect to required public hearings. All data and exhibits submitted in connection with the filing of this application become a permanent part of the public record. IMPORTANT: The applicant or his representative MUST be present at the hearing. There will be a fee of $500.00 for a Voluntary Continuance (a request by the applicant to continue a petition before the appropriate board or council, or by the failure of the applicant to attend or be represented at the appropriate meeting).

| **1. Applicant** | | | | | | | |
|---|---|---|---|---|---|---|---|
| Name | Jones Loop Road LLC | | | | | | |
| Address | 999 Vanderbilt Beach Rd., Suite 701 | City | Naples | State | FL | Zip | 34108 |
| Phone | | Email address | | | | | |
| **2. Owner(s) of Record** | | | | | | | |
| Name | Jones Loop Road LLC | | | | | | |
| Address | 999 Vanderbilt Rd., Suite 701 | City | Naples | State | FL | Zip | 34108 |
| Phone | | Email address | | | | | |
| **3. Authorized Agent – (if applicable – Property Owner must sign AGENT Affidavit below)** | | | | | | | |
| Name | Geri L. Waksler, McCrory Law Firm, PL | | | | | | |
| Address | 309 Tamiami Trail | City | Punta Gorda | State | FL | Zip | 33950 |
| Phone | | Email address | | | | | |
| **4. Property Address / Street Name** | | | | | | | |
| Address | 9298 Mac Ever St. | City | Punta Gorda | State | FL | Zip | 33950 |

**5. Legal Description of Property (Attach separate sheet if necessary)**

See attached Legal Description

| Parcel ID /Account # | Lot # | Block# | Section | Total Sq. Feet | Total Acres |
|---|---|---|---|---|---|
| 412321151003 | | | | 1,242,604.63 | 28.53 +/- |

**6. Please explain in detail the purpose of this request; the compatibility with the Comprehensive Plan; and reasons why the request should be approved (attach additional sheets if necessary).**

Please refer to Exhibit "B"

**7. <u>Complete the Analysis of the Plan Amendment on the Elements:</u>** (use additional sheets if necessary)

| | |
|---|---|
| **<u>Transportation:</u>**<br>**A.** Provide a Traffic Impact Study indicating:<br>• the relative intensity of the proposed change<br>• functional classification of adjacent roadways<br>• Routing of non-residential traffic onto residential streets<br>• availability of collector and arterial roads and any other pertinent traffic circulation concerns | Please refer to Traffic Impact Statement and Exhibit "C" |
| Roads – List all rights-of-way, Developed & Undeveloped**:** | Taylor Road, Jones Loop Road |

| | |
|---|---|
| **B.** Lists the number of trips that could be generated by the proposed change in FLUM and/or Zoning and explore the impacts that this would have on the roadway system serving the subject site | Please refer to Traffic Impact Study |

**C. Infrastructure** ***must also provide letter from utility company stating the availability of Utilities service on this property***

| | |
|---|---|
| a. Sanitary Sewer | Please refer to Exhibit "C" |
| b. Solid Waste | Please refer to Exhibit "C" |
| c. Drainage | Please refer to Exhibit "C" |
| d. Portable Water | Please refer to Exhibit "C" |

**D. Housing:** Please refer to Exhibit "C"

**E. Conservation:** Please refer to Exhibit "C"

**F. Costal Management:** Please refer to Exhibit "C"

**G. Recreation & Open Space:** Please refer to Exhibit "C"

**H. Intergovernmental Coordination:** Please refer to Exhibit "C"

**I. Capital Improvement:** Please refer to Exhibit "C"

**J. Public School Facilities Element** Please refer to Exhibit "C"

**K. Historic Element (if applicable)**

Not applicable

**8. Existing & Proposed Map Designations**

| Existing Land Use Map (FLUM) Classification | Proposed Land Use Map (FLUM) Classification | Existing Zoning District | Proposed Zoning District |
|---|---|---|---|
| Highway Commercial Corridor | Medium Density Residential | Highway Commercial | Planned Development |

**9. Neighboring Land Uses**

| North | South | East | West |
|---|---|---|---|
| Commercial/Outdoor Storage | Highway Commercial/Vacant | Commercial/Retail | Medium Density Residential/Apartments |

| | |
|---|---|
| **10. Are there any other local hearings pending or anticipated for this property?** | ☒ Yes ☐ No |
| **11. Has a public hearing been held on this property within the last 6 months?** | ☐ Yes ☒ No |
| **12. Is this request the result of a Code Enforcement Violation?** | ☐ Yes ☒ No |

If, "yes" whose name was the violation served?

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Name** | | | | | | | |
| **Address** | | **City** | | **State** | | **Zip** | |
| **Phone** | | **Email address** | | | | | |

| | |
|---|---|
| **13. Are there any existing structures on the property?** | ☐ Yes ☒ No |

If "yes" what type of construction are they, and what is the current use of the structures

I, the undersigned, being first duly sworn, testify and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of all of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary material attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners.

**NOTARIAL CERTIFICATE - ACKNOWLEDGEMENT**

Signature of Owner or Authorized Agent

Geri L. Waksler, as Agent
Print Name & Title

8/10/22
Date

STATE OF FLORIDA )
COUNTY OF CHARLOTTE )

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization this day of August 10, 20 22, by Geri L. Waksler, who is personally known to me or who has produced _____ as identification.

Notary Public, State of Florida

My commission Expires

(Seal)

SUSAN C. JOHNSON
Notary Public State of Florida
Commission # GG 910731
My Commission Expires
December 11, 2023

**AGENT AFFIDAVIT (Property Owner to complete ONLY if applicable)**

I/We _____, property owner(s), hereby authorize _____ to act as ***Agent*** on our behalf regarding a PLANNED DEVELOPMENT APPLICATION on the property commonly known as _____ in Punta Gorda, Florida.

Signature of Property Owner

Print Name of Property Owner

Date

STATE OF _____ )
COUNTY OF _____ )

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization this day of _____, 20 _____, by _____, who is personally known to me or who has produced _____ as identification.

Notary Public, State of Florida

My commission Expires

(Seal)

**AGENT AFFIDAVIT**
**(Property Owner to Complete ONLY if applicable)**

Jones Loop Road LLC, the property owner, hereby authorizes McCrory Law Firm, PL to act as Agent on our behalf regarding a Planned Development application on the property with Parcel ID No. 412321151003.

JONES LOOP ROAD LLC
By: Punta Gorda Loop, LLC, Managing Member

By:_____
Walter S. Hagenbuckle, as Manager

**STATE OF FLORIDA**
**COUNTY OF** Collier

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 25 day of March, 2022 by Walter S. Hagenbuckle, as Managing Member of Punta Gorda Loop, LLC, as Manager of Jones Loop Road, LLC, who is ☑ personally known to me or ☐ who has produced (na) as identification and who did take an oath.

_____
Notary Public, State of Florida
My Commission Expires:

Notary Public State of Florida
Susan H Ferrer
My Commission GG 340513
Expires 07/19/2023

**Exhibit "B"**

**Planned Development Application**

Jones Loop Road, LLC

Purpose of Request and Zoning Approval Criteria

Response to Planned Development Application Question 6

Purpose of Request

Jones Loop Road, LLC has submitted this application for Planned Development rezoning on 28.53± acres located west of Indian Springs Cemetery Road and southeast of Taylor Road (the "Property"). The Property is part of a large multi-use development that lies both north and south of Jones Loop Road. The overall development will contain a variety of housing types – a multi-family apartment complex has previously been approved within the development, north of Jones Loop Road. Commercial development is planned along both sides of Jones Loop Road. A single family residential community has been approved south of Jones Loop Road. This proposed residential community will contain up to 146 platted lots for detached single-family homes, attached single-family villas, a community recreation area, and a stormwater management system (the "Project").

The community will be served by central water and sewer. A master stormwater management system will both treat stormwater runoff and maintain post-development discharge at pre-development levels. The proposed 146 single-family homes are at a density of 5.12 units/acre which is consistent with the requested Medium Density Residential land use which permits up to 10 units/acre.

A related application for Small Scale Land Use Amendment to Medium Density Residential has been submitted concurrently with this Planned Development Application.

Zoning Approval Criteria

Pursuant to Section 5.9(b)(5) of the Land Development Regulations, no PD Plan shall be considered unless the City Council finds the proposed planned development promotes the public health, safety and welfare. To this end an applicant for approval of a planned development shall show and the City Council shall find that a proposed planned development:

**a. Is in conformity with the Comprehensive Plan.**

See Comprehensive Plan consistency analysis in Exhibit "C" of this application.

**b. Is compatible with the surrounding neighborhood.**

The subject property is a vacant parcel surrounded by existing commercial development to the north, vacant commercial development to the south and east, and multi-family development to the west. The land use on the site is proposed to be amended to Medium Density Residential which allows for residential development ranging from 5 units/acre to 10 units/acre. The proposed Planned Development Neighborhood is part of an overall mixed-use development along Jones Loop Road and will add an additional type of residential use attracting a different demographic at a different price point, thereby increasing housing diversity in both the mixed-use development and the City at large. The Project is compatible with the multi-family project being constructed to its west and provides a transition from the commercial development anticipated to its south along Jones Loop Road.

**c. Mitigates conflicts of use with adverse impacts on existing and planned development.**

The Project proposes lower intensity uses than what exists or is proposed adjacent to it and therefore creates no adverse impacts on surrounding properties.

**d. Provides adequate public facilities and amenities.**

The Project will be served by central water and sewer. A stormwater system will be designed utilizing the 25 year/24 hour design and will be submitted to the City and to the SWFWMD as part of the site development approval process. A recreational area is included on-site.

**e. Adequately accommodates anticipated motor vehicle traffic volumes, including emergency vehicle access.**

The trip generation report prepared by Banks Engineering and submitted as part of this application projects that Taylor Road will continue to operate above its adopted Level of Service with the addition of the Project traffic. The Project provides a second access point dedicated for emergency vehicle use only.

**f. Preserves ecologically sensitive areas to the extent practical.**

The parcel is located within the consultation area of several federally listed species. Gopher tortoises were the only listed species observed on the parcel. No direct evidence of utilization by any other species requiring permits by either the FWC or FWS was observed during the site inspection.

The site contains a borrow area which meets the criteria to be claimed as other surface water by SWFWMD and potentially FDEP, though compensatory mitigation for impacts to this borrow area are not likely to be required.

A copy of the Development Suitability Assessment prepared by Ian Vincent & Associates, Inc. is provided with this application.

**g. Mitigates unfavorable topographic and geological conditions.**

Based on the submitted material, there are no known unfavorable topographic or geological conditions. Additionally, the conceptual plan provides for an on-site stormwater management system.

**h. Includes appropriate noise attenuation measures.**

The proposed single-family residential development is a very low intensity use by city standards and requires no buffers to be installed around the development. The Project will not generate noise at levels that will adversely affect the surrounding properties.

**i. Exhibits superior architectural treatment and site planning as measured by the following criteria:**

1. **Architectural treatment should avoid massive, monolithic and repetitive building types and facades.**

   All Planned Developments are subject to the applicable requirements of Article 7, Architectural Provisions and will be reviewed for compliance at the time of Development Review (DRC) submittal.

2. **Landscaping should increase the visual quality of building design, open space, vehicular and pedestrian areas and screen areas of low visual interest [such as storage and delivery areas] from public view.**

   The single family residential development is a low intensity use by city standards and requires no buffers to be installed around the development.

3. **Street and parking systems should contribute to the aesthetic character of the development.**

   A sidewalk is provided along one side of the private roadway serving the Project. Parking requirements will be reviewed through the Development Review (DRC) process. The Project is designed to connect to an access easement that will provide a direct connection from the Project to the contiguous commercial development as well as to Jones Loop Road. This access will align with a full median cut and with the access to the commercial and residential communities across Jones Loop Road to the South, creating a further sense of connection between the north and south halves of this development.

4. **Signs shall be compatible with the design and scale of the development and contribute to the visual character of the development.**
   All Planned Development signage is subject to the applicable requirements of Article 11, Sign Standards. All signs will be required to be submitted separately for review and permitting and must conform to the sign code current at the time of submittal. Signs are proposed at the project entrance on Jones Loop Road and Taylor Road.

5. **Neighborhood retail commercial and office uses where provided should blend architecturally with surrounding residential uses or be appropriately separated by distance, Page 26- 106 screening or topography.**

   This Planned Development Neighborhood (PDN) does not contain any neighborhood retail or office uses.

6. **Open space, recreation and other public facilities should be integrated with the organizational scheme of the planned development.**

   The Project incorporates an on-site community recreation area, ensuring that every resident will be within ¼ mile of a park. Overall, 3.25 acres of open space is provided, considerably greater than the required the 0.37 acres required by the standard of 0.25 acres per 100 units (0.25 acres x 1.46 units = 0.37 acres)

7. **Pedestrian and bicycle circulation systems should be included to assure safe and convenient access between properties and within the neighborhood.**

   An internal sidewalk is planned within the 40' right of way within the development which will extend to connect with the sidewalk network on Jones Loop Road. Residents will have vehicular, pedestrian and bicycle access within the community as well as to the adjacent commercial and beyond via the connection to sidewalks on Jones Loop Road.

8. **Non-residential uses shall be located on arterial or collector streets without creating through traffic in residential areas.**

   There are no non-residential uses proposed for this Project. , however, internal access to the adjacent commercial area has been provided.

9. **Development plan should be arranged to maximize the opportunity for privacy and security by residents.**

   The conceptual site plan provides for optional gated ingress/egress into the Project.

**PLANNED DEVELOPMENT APPLICATION**

Jones Loop Road, LLC

Exhibit "C"

Response to Planned Development Application Question 7

7. Complete the Analysis of the Plan Amendment on the Elements

**Future Land Use Element**

**Policy 1.1.2.1 Punta Gorda will require the availability of water *City of Punta Gorda Comprehensive Plan 2025* 1-113 and sewer, and other facilities and services for which there are LOS standards, concurrently with new development in the City. Additionally, development orders and permits will be specifically conditioned on the availability of the facilities and services necessary to serve the proposed development; and that facilities that provide utility services to the various land uses are authorized at the same time as the land uses are authorized. Punta Gorda will regulate the time frame for availability of such facilities and services within areas to be annexed.**

The project meets all adopted LOS standards. Please see responses under the Capital Improvement Element for specific information on adopted LOS standards for each facility and service and the project's consistency with each.

**Policy 1.1.4.3: Punta Gorda will promote infill development and redevelopment consistent with the Future Land Use Map through its land development regulations and other means such as public improvements and economic facilitation.**

The subject property is an infill parcel located on Jones Loop Road. It is adjacent to a an existing economic and employment center with uses including, but not limited to, Walmart, Wawa, hotels and restaurants. Development of this infill parcel is precisely the type that Policy 1.1.4.3 states will be promoted by the City.

**Policy 1.1.9.5: Punta Gorda will apply appropriate site planning requirements such as environmental surveys, on-site stormwater management, wetlands preservation, etc., according to the needs of the situation in the context of applicable law and sound planning practice.**

The concept plan provides areas to accommodate an on-site stormwater management area. The site proposes to impact a .54± acre shrub wetland but preserves 2.93± acres of forested wetland and a 1.04± acre freshwater marsh.

**Objective 1.1.10: Punta Gorda will discourage urban sprawl by controlling the extension of urban facilities and services to non-urban areas and by encouraging urban infill development.**

The subject property is an undeveloped parcel set just off of Jones Loop Road between I-75 and U.S. 41. The Jones Loop corridor contains a Walmart, Wawa, hotels and restaurants. Development of this infill parcel is precisely the type that Objective 1.1.10 states will be encouraged.

**Policy 1.1.10.2: Punta Gorda will encourage infill development within the City by maintaining a high level of urban services, by cooperating with the private sector in promoting economic growth, and by maintaining land development regulations that facilitate the sensitive integration of new development in older urban areas.**

The subject property is an undeveloped parcel set just off of Jones Loop Road between I-75 and U.S. 41. The Jones Loop corridor contains a Walmart, Wawa, hotels and restaurants. The proposed PD is separated from Jones Loop Road by contiguous land zoned for and intended to be developed as commercial properties as contemplated by the Highway Commercial Corridor land use designation. Additionally, an internal sidewalk is planned within the 40' right of way within the development which will extend to connect with the sidewalk network on Jones Loop Road. Residents will have vehicular, pedestrian and bicycle access within the community as well as to the adjacent commercial and beyond via the connection to sidewalks on Jones Loop Road.

**Objective 1.1.14: Punta Gorda will maintain a Future Land Use Map and land use classification system that provides for the distribution, extent and location of a variety of land uses.**

**Policy 1.1.14.1: Residential lands are areas that are intended to be used predominantly for housing. Other uses that are consistent with residential character may be permitted subject to the requirements of the land development regulations. Examples of potentially compatible uses include, but are not limited to, houses of worship, nursing homes, parks, golf courses, libraries, schools, and day care centers. In order to preserve the existing character of the traditional suburban neighborhoods, reduce climate change risk and ensure economically viable traditional downtown and adjacent mixed use commercial area. Residential lands are appropriate as sending zones via the City's existing transfer of development rights (TDR) program. The following residential land classifications exist to provide a range of housing densities and housing types.**

Consistent with this Policy, a Future Land Use Map amendment to Medium Density Residential is proposed.

**Medium-Density: This classification permits residential structures other than mobile homes at densities up to 10.0 units per acre.**

The gross density of the proposed PUD is 5.12 units/acre which is consistent with the density range for its proposed Medium-Density land use classification.

**Housing Element**

**Objective 4.1.1: Throughout the planning period through 2030, Punta Gorda will provide for a variety of housing types and residential densities to accommodate the needs of current and future populations, as well as meeting the special housing needs of its citizens.**

**Policy 4.1.1.2: Consistent with the Comprehensive Plan, Punta Gorda's Land Development Regulations (including zoning regulations) will make possible a variety of lot sizes, densities, and housing types, including single-family, multi-family, mobile home, patio homes, and zero lot line homes.**

The proposed PD will add the ability to develop attached single-family homes in the City, an under-represented residential use. The addition of attached single-family units is consistent with Objective 4.1.1 and Policy 4.1.2.

**Policy 4.1.5.1: To the maximum extent possible, Punta Gorda will rely upon the free market to supply the housing needs of City residents. City government will cooperate with public and private housing service agencies to supplement the efforts of the private sector. In addition, City government will apply for State and Federal revenues to satisfy needs which are not met by the private sector and housing service agencies (very low, low, moderate income benefit).**

There is a need in the City for housing located proximate to retail and employers. This Property will infill an existing economic center, providing a housing type (attached single-family) in an area that is proximate to employment and walkable to retail stores providing for daily needs.

**Objective 4.1.8: Throughout the planning period through 2030, Punta Gorda shall protect residential communities from the intrusion of more intensive land uses.**

**Policy 4.1.8.1: Punta Gorda will prevent intrusion of more intensive land uses upon residential areas by policies in the Comprehensive Plan directing residential growth toward infill areas (e.g., water and sewer policies), reducing incompatible uses (e.g., elimination of non-conforming uses), mitigating related conditions of more intensive development (e.g., standards for industrial development), and separating land uses through the FLUM and FLUM classifications.**

**Policy 4.1.8.2: Punta Gorda will continue to use the Future Land Use Map #5 amendment process and the rezoning and special exception approval processes to assure that new proposed land uses are compatible with existing residential**

**uses, and will not significantly contribute to the degradation of residential neighborhoods.**

The Project will be infill development in an area that contains a variety of existing and planned commercial uses, but which has little, available single family and multi-family housing and no single-family attached housing. Approval of the proposed PD continues the transition of this area to mixed use while providing a critical connection from the residential use to the planned commercial uses on Jones Loop Road.

The conversion of any site from vacant property to developed land will increase traffic on surrounding roads. However traffic from this site will be reduced by its rezoning to a residential use, as commercial uses generate more traffic than residential uses.

As designed and proposed, the PD will operate harmoniously with the surrounding community, making this project consistent with Objective 4.1.8, Policy 4.1.8.1 and Policy 4.1.8.2.

**Infrastructure Element**

**Objective 3.2.2: Coordinate with the Future Land Use map to ensure that development and building permits are issued based on adequate potable water availability and an adopted level of service.**

**Policy 3.2.2.3: Review all land use amendments, zoning changes, or utility service area extensions to determine the availability of utility system capacity.**

A letter of availability from the City of Punta Gorda Utilities is included with this application.

The City of Punta Gorda has existing system capacity which can accommodate this request.

**Policy 3.4.1.1: Continue to utilize the Zemel Road Landfill as a solid waste disposal site to meet the City's 20 year solid waste demand needs.**

The County's Zemel Road landfill has capacity through the County's 2030 planning horizon.

**Policy 3.7.1.3: The City of Punta Gorda will continue to address stormwater quality through the implementation of the National Pollution Discharge Elimination System by:**

**c. Continuing to require new construction and redevelopment to be covered by stormwater design requirements in 40-D.4, FAC, to meet these design requirements for water quality as specifically contained in the Basis of Review (BOR) described in Rule 40-D.4.091, FAC. For projects involving existing stormwater systems not required to be improved per the standards of 40-D.4 and involving a permit from**

**the City's Development Review Committee (DRC), the DRC will require stormwater system improvements. (Examples of projects requiring DRC permits are expansions of cubicle content or substantial renovation of commercial structures.**

**Objective 3.7.2: Punta Gorda will maintain or expand existing stormwater facilities in public rights-of-way or easements and require private and public developments to provide on site stormwater management facilities consistent with applicable regulations.**

The concept plan includes a stormwater lake which is part of the stormwater system which will be designed utilizing the 25 year/24 hour design and will be submitted to the City and to the SWFWMD as part of the site development approval process.

Coastal Management Element

The Property is not located within the Coastal High Hazard Area. Its location provides quick access to I-75, a hurricane evacuation route.

Conservation Element

**Objective 2A.1.1: Punta Gorda will protect the quality of its air by promoting a compact development pattern which limits the need for automobile trips and their related emissions, and by adopting standards for industrial development.**

Consistent with Objective 2A.1.1 and Policy 2A.1.1.1, the Planned Development Neighborhood zoning on this infill site allows residential uses providing a compact community which takes advantage of existing utility and road infrastructure and proximity to retail and commercial development which provides employment opportunities and walkable access to daily retail and service needs.

Recreation and Open Space Element

**Objective 5.1.2: Punta Gorda will promote the use of public and private resources to meet recreation demands.**

**Policy 5.1.2.1: Punta Gorda will maintain a recreation and open space plan with standards that integrate public, semi-private, and private recreational facilities into an overall plan.**

**Policy 5.1.2.2: Punta Gorda will require developers of residential subdivisions or planned unit developments to dedicate or set aside lands for parks, or to develop and maintain a private or semi-private park system as part of their development, or otherwise contribute to the acquisition and/or development of parks.**

The proposed PDN includes a community recreational area.

Intergovernmental Coordination Element

**Policy 9.1.1.5: The City of Punta Gorda will act to coordinate with the School Board of Charlotte County in implementing the Updated Interlocal Agreement for Coordinated Planning and School Concurrency in effect with the County and the School Board to a minimum:**

**a. Punta Gorda expects that The School Board of Charlotte County will coordinate with the City in fulfillment of the School Board's responsibilities under the Joint Interlocal Agreement outlined in Chapter 163.31777, and under Chapter 235.19 and 235.193, F.S.**

**b. Continue to coordinate changes in land use plans, school facility capacity, population projections, development trends and future student populations. The City, County and Public School District staff (Staff Working Group), will meet as needed, but no less than annually to discuss these issues and formulate recommendations prior to any party making a decision which could impact on the areas of concern of the other parties.**

A School Impact Analysis for Concurrency has been submitted with this application in compliance with the Interlocal Agreement. Using the adopted student generation multiplier factors, the proposed PD is expected to generate 10 elementary students, 6 middle school students and 8 high school students. At this stage of approval, the analysis is for planning purposes only. The formal request for a SCADL is required prior to development approval.

**Policy 9.1.2.6: The implementation of stormwater drainage planning in Punta Gorda will be coordinated through the Southwest Florida Water Management District (SWFWMD) permitting process.**

A master stormwater drainage system will be designed and submitted to the City and to the SWFWMD as part of the site development approval process. The project will be developed with a master stormwater drainage system as permitted by the Southwest Florida Water Management District and managed/maintained to function as designed and permitted.

**Policy 9.1.2.11: Future development in the City and other affected jurisdictions will pay their proportionate fair share cost of infrastructure and services resulting from the development's impact.**

The City has established and the project will be assessed impact fees as payment of its proportionate fair share for costs of infrastructure and services.

Capital Improvement Element

**Objective 10.1.4: Punta Gorda will manage growth and development by requiring that adopted level of service standards are maintained by public or private investment.**

**Policy 10.1.4.1: Punta Gorda, as well as private providers of infrastructure, will meet or exceed the adopted level of service standards identified herein for the seven LOS facilities described in the Infrastructure Element (Sanitary Sewer, Potable Water, Stormwater Drainage, and Solid Waste), Recreation and Open Space Element, Transportation Element (Traffic Circulation) and the Public School Facilities Element. Said LOS standards shall be as follows:**

**Infrastructure**
**Potable Water - 141Gallons per person per day (or 287 gallons per ERU per day)**
**Sanitary Sewer - 83 Gallons per person per day (or 169 gallons per ERU per day)**
**Solid Waste - 7.2 Pounds per person per day**
**Stormwater - C - using a 25 year/24 hour design**

A letter of availability from the City of Punta Gorda Utilities is included with this application. There is available capacity to serve the project as shown in the table below.

| | POTABLE WATER SVC | SEWER SERVICE |
|---|---|---|
| Permitted Capacity (GPD) | 10,000,000 | 12,000,000 |
| Current Demand (GPD) | 5,410,000 | 3,490,000 (projected 2018) |
| Demand (GPD) with project | 5,491,902 | 3,514,674 |

The County's Zemel Road landfill has capacity through the County's 2030 planning horizon.

A stormwater system will be designed utilizing the 25 year/24 hour design and will be submitted to the City and to the SWFWMD as part of the site development approval process

**Transportation**
**D - on all major arterials**
**E - on all minor arterials**
**D - on all county collectors**
**D - on all City maintained roads**

The traffic impact statement prepared by Banks Engineering and submitted as part of this application projects that the existing roadway network will accommodate background traffic and traffic generated by the Project, and that the study area roadway segments are projected to operate within adopted levels of service with the addition of the Project traffic.

**Recreation and Open Space**
**5 acres per 1,000 population**

According to the 2020 Census, the City of Punta Gorda's population was 19,571. Its housing units numbered 13,522 resulting in 1.45 people per housing unit. Using this number, the 146 potential units would be projected to house 212 people and require 1.06 acres of recreation and open space. The Project provides 0.68 acres of recreational area and 3.25 acres of open space, which exceeds the required LOS.

**Public Schools**
**Elementary – 95% total capacity**
**Middle – 100% total capacity**
**High – 100% total capacity**

A School Impact Analysis for Concurrency has been submitted with this application in compliance with the Interlocal Agreement. Using the adopted student generation multiplier factors, the proposed PD is expected to generate 10 elementary students, 6 middle school students and 8 high school students. At this stage of approval, the analysis is for planning purposes only. The formal request for a SCADL is required prior to development approval.

**Objective 10.1.5: Future development in Punta Gorda will pay the proportionate cost of infrastructure and services resulting from its impact.**

**Policy 10.1.5.1: Punta Gorda will assess impact fees or accept impact fee credits on new development to cover the fair share costs of capital improvements resulting from new growth and to maintain appropriate levels of service.**

The City has established and the project will be assessed impact fees as payment of its proportionate fair share for costs of parks and roads impacts.

<u>Public School Facilities Element</u>

**Objective 8.1.2: The City shall require a school concurrency review be performed by the School District to ensure that adequate school facility capacity within the Public School Concurrency Service Area (SCSA) is available to accommodate the projected residential development in accordance with the adopted level of service standard for schools. [9J-5.025(3)(b)(2)]**

**Policy 8.1.2.1: The City shall not approve any non-exempt residential development application for preliminary plat, site plan or functional equivalent until the School District has verified that available capacity exists to serve the development.**

**Policy 8.1.2.3: The City, through its land development regulations, shall establish a school concurrency review process for all residential projects that are not exempt under Policy 8.1.2.2. The minimum process requirements are described below:**

**a. A residential development application is submitted to the local government, which includes a School Impact Analysis (SIA). The local government determines application is sufficient for processing and transmits the SIA to the School District for review.**

**b. The School District reviews the application for available capacity and issues a School Capacity Availability Determination Letter (SCADL) to the local government.**

**c. If capacity is available within the CSA (or an adjacent CSA), the School District shall issue a SCADL verifying available capacity.**

**d. If capacity is not available within in the CSA (or an adjacent CSA), the School District shall issue a SCADL indicating the development is not in compliance with the adopted LOS and may offer the developer a negotiation period to present mitigation options.**

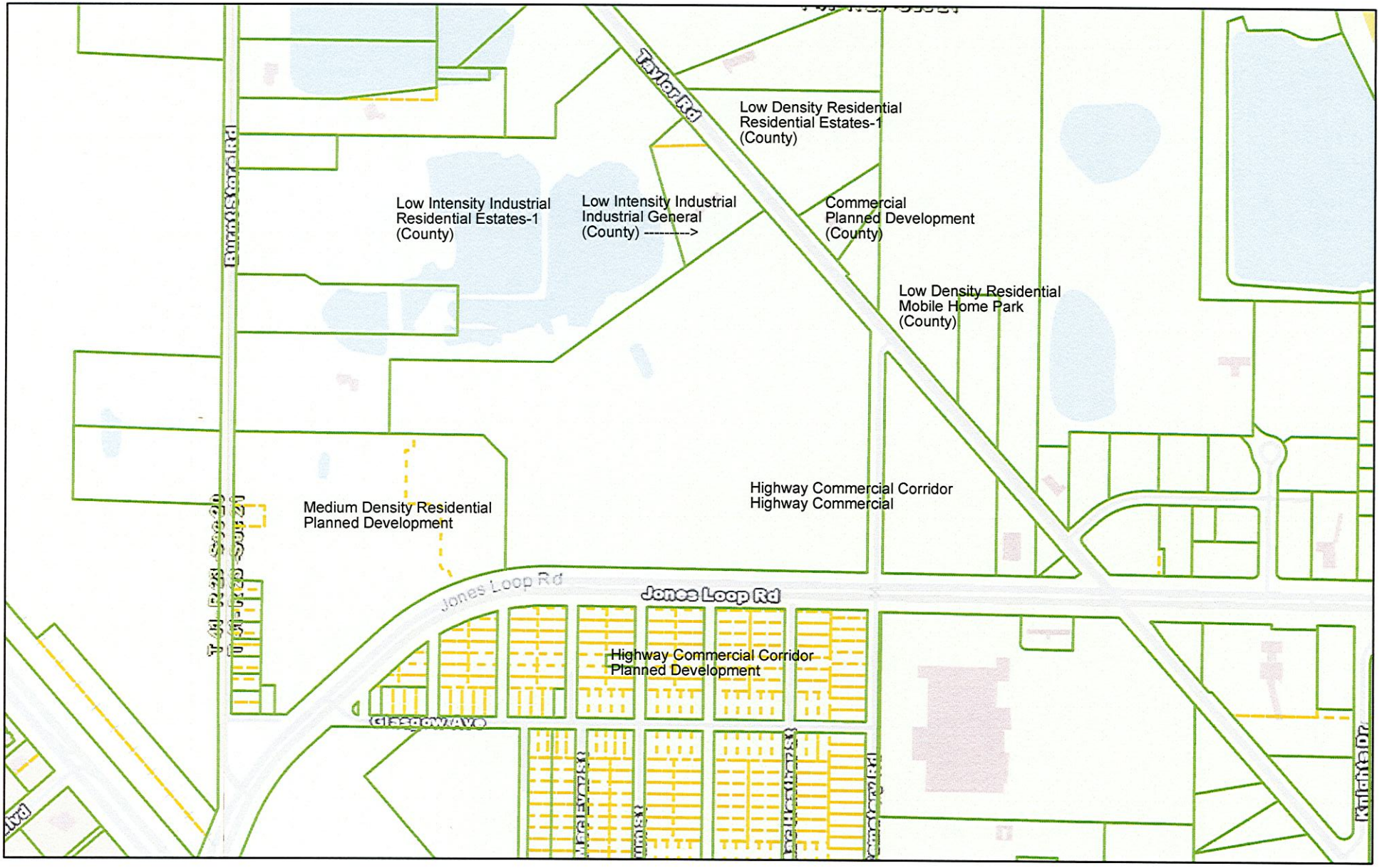
**e. The City shall not issue approval any site plan, subdivision plan, preliminary or final plat approval or functional equivalent for a residential development until receiving confirmation of available school capacity in the form of a SCADL from the School District.**

A School Impact Analysis for Concurrency has been submitted with this application in compliance with the Interlocal Agreement. Using the adopted student generation multiplier factors, the proposed PD is expected to generate 10 elementary students, 6 middle school students and 8 high school students. At this stage of approval, the analysis is for planning purposes only. The formal request for a SCADL is required prior to development approval.

**Historic Element**

Not applicable.

# Contiguous Land Use and Zoning




August 9, 2022

Property Ownership

Lots

Block Number

1:8,000

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

Charlotte County
Charlotte County GIS

Charlotte County GIS

Ian Vincent & Associates
Environmental Consulting Services

January 3, 2022

J. Wayne Everett
Entitlements Manager
D.R. Horton
10541 Ben C Pratt Six Mile Cypress Pkwy.
Fort Myers, FL 33966

Reference: **LOOP II**
**CHARLOTTE COUNTY, FLORIDA**
**DEVELOPMENT SUITABILITY ASSESSMENT**

Pursuant to your request, Ian Vincent and Associates has conducted a preliminary review of the subject parcel for biological and ecological features which may affect the future development of the subject property. The following findings and discussion are based on an on-site inspection, review of available online databases, and our previous experience with permitting agencies. The preliminary site inspection was conducted by qualified staff ecologists in December 2021.

## LOCATION

The subject property is located within Section 21, Township 41S, and Range 23E in Punta Gorda, Florida. See attached Location Map.

## PERMITTING HISTORY

Based on available online resources, the site currently was previously permitted for development through the issuance of ERP permit 33205.000 on 11/18/2208. The permit has since expired due to lack of construction. No evidence of previous federal permitting was found.

## VEGETATIVE COMMUNITIES

Field observations, in conjunction with the Charlotte County Soil Survey and aerial photographs, were used to develop a map of the vegetative communities onsite. The following table displays the vegetative associations found on the subject parcel. The vegetative communities were identified and classified utilizing the Florida Land Use Cover and Forms Classification System (FLUCCS). A description of the communities is provided below.

| FLUCCS ID | FLUCCS DESCRIPTION | ACREAGE |
|---|---|---|
| 211 | Improved Pasture | 29.01 |
| 742 | Borrow Area | 0.27 |
| TOTAL | | 29.28 |

FLUCCS 211 – Improved Pasture

This upland habitat contains a scattered canopy of cabbage palm (*Sabal palmetto*). Midstory and groundcover species present include: Bahia grass (*Paspalum notatum*), false buttonweed (*Spermacoce sp.*), Brazilian pepper (*Schinus terebinthifolius*), bluestems (*Schizachyrium and Andropogon spp.*), dog fennel (*Eupatorium*

*capillifolium*), elephant's foot (*Elephantopus sp.*), thistle (*Cirsium sp.*), pennywort (*Hydrocotyle umbellata*), Caesarweed (*Urena lobata*), sensitive mimosa (*Mimosa pudica*), and Mexican clover (*Richardia brasiliensis*).

FLUCCS 742 – Borrow Area
This open water habitat lacks significant vegetation. Midstory and groundcover species observed along the water's edge includes: pennywort, torpedo grass (*Panicum repens*), spikerush (*Eleocharis sp.*), and dayflower (*Commelina diffusa*).

**WETLANDS, SURFACE WATERS, and OTHER SURFACE WATERS**
The potential for on-site wetland, surface water, and other surface water habitats was evaluated consistent with current state and federal delineation and classification criteria. The site contains a habitat (FLUCCS 742 – Borrow Area) that will be claimed as jurisdictional other surface water by the Southwest Florida Water Management District (SWFWMD) and potentially the Florida Department of Environmental Protection (FDEP). This habitat contains evidence of hydrology, hydric soils, and coverage primarily by hydrophytic vegetation.

If the other surface water habitat cannot be avoided during development of the parcel, a SWFWMD permit will be required. The surface water appears to be isolated and therefore not subject to FDEP jurisdiction. However, FDEP review will likely be necessary to confirm that no federal wetland permit will be required. Due to the size and relatively low function of the other surface water, it is unlikely that compensatory mitigation will be required to offset the loss of wetland function associated with any proposed impacts.

**LISTED WILDLIFE SPECIES**
Search of available online resources revealed that the subject property is located within an 18.6-mile radius designated as Core Foraging Area of several wood stork (*Mycteria americana*) nesting colonies. Each of the documented colonies appears to be greater than 6 miles from the subject property. Under current regulations, the proximity of the off-site nesting colonies is not likely to affect the future development of the subject property. If future development of the subject property requires any federal authorizations or permits, consultation with the FWS may be triggered, requiring project review and approval by the FWS prior to development of the property.

Search of available online resources revealed that the subject property is located within the Consultation Area of the Florida scrub jay (*Aphelocoma coerulescens*). However, review of the Charlotte County Natural Resources Department Florida Scrub Jay Territory Search Database revealed that the subject property is not a scrub jay review area parcel. No evidence of utilization by the species was observed on the subject property. Therefore, the Florida scrub jay is not likely to affect the future development of the property.

Search of available online resources revealed that the subject property is located within the Consultation Area of the red-cockaded woodpecker (*Picoides borealis*). The nearest documented red-cockaded woodpecker (RCW) sighting is greater than 1 mile from the subject property. The project area is comprised of midstory and groundcover that lacks a significant canopy. No evidence of nesting or utilization by the species was observed. The red-cockaded woodpecker is not anticipated to be utilizing the subject parcel, and therefore, is not likely to affect the future development of the subject property. If future development of the subject property requires any federal authorizations or permits, consultation with the FWS may be triggered, requiring project review and approval by the FWS prior to development of the property.

Search of the Audubon Bald Eagle Nest Locator website indicated that the subject property is within 625 feet of the approximate location of bald eagle nest CH027a, within the 660-foot protection zone afforded to eagle nests. However, during the permitting of a nearby project, the exact location of the nest was determined to be located approximately 680 feet from the subject parcel. The location of the bald eagle nest is not likely to impact development of the site but additional coordination may be required to demonstrate that the parcel is outside of the federal eagle nest protection zone.

The subject parcel is located within the FWS Consultation Area of the Florida bonneted bat (*Eumops floridanus)*. No evidence of utilization by the Florida bonneted bat was observed onsite during the site inspection. The Florida bonneted bat is therefore not likely to affect the future development of the subject property. If future development of the subject property requires any federal authorizations or permits, consultation with the FWS may be triggered, requiring project review and approval by the FWS prior to development of the property.

Search of available online resources did not reveal documentation of any other listed wildlife species currently utilizing the subject property.

The subject site contains upland habitats which are being utilized by the gopher tortoise (*Gopherus polyphemus*). One (1) potentially occupied gopher tortoise burrow was observed on the parcel. A 100% gopher tortoise survey and relocation permit from the Florida Fish and Wildlife Conservation Commission will be required prior to development of the site if the gopher tortoise burrow cannot be avoided during construction.

No other protected species or evidence of protected species utilization which would require permits from the FWC or FWS were observed onsite during the site inspection.

**CONCLUSIONS**

The parcel is located within the consultation area of several federally listed species. Gopher tortoises were the only listed species observed on the parcel. No direct evidence of utilization by any other species requiring permits by either the FWC or FWS was observed during the site inspection. The site is located just beyond the secondary 660' bald eagle nest protection zone. Additional coordination relative to the enst may be required during permitting and development of the parcel

The site contains a habitat (FLUCCS 742 – Borrow Area) which meets the criteria to be claimed as other surface water by SWFWMD and potentially the FDEP. Compensatory mitigation for impacts to the surface water will likely not be required.

If you have any questions or require additional information, please contact me at (941) 457-6272.

Sincerely,
Ian Vincent and Associates

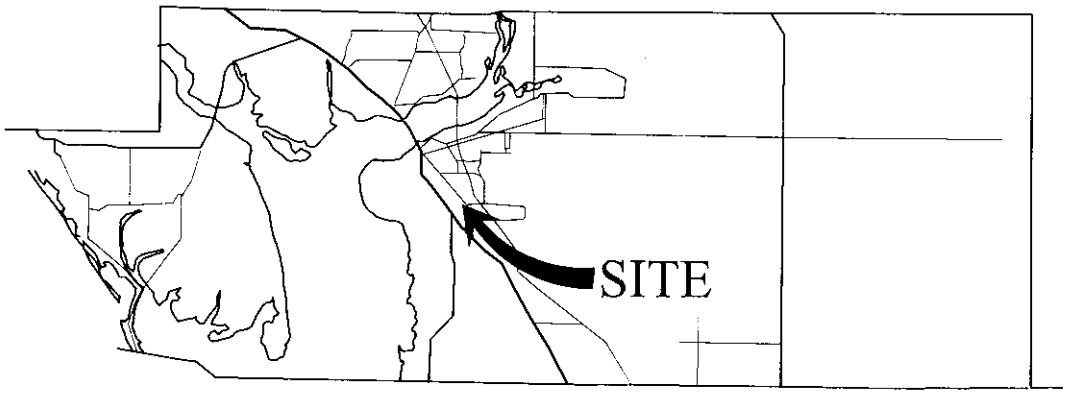
*Ian M. Vincent*

Ian M. Vincent
Principal Ecologist

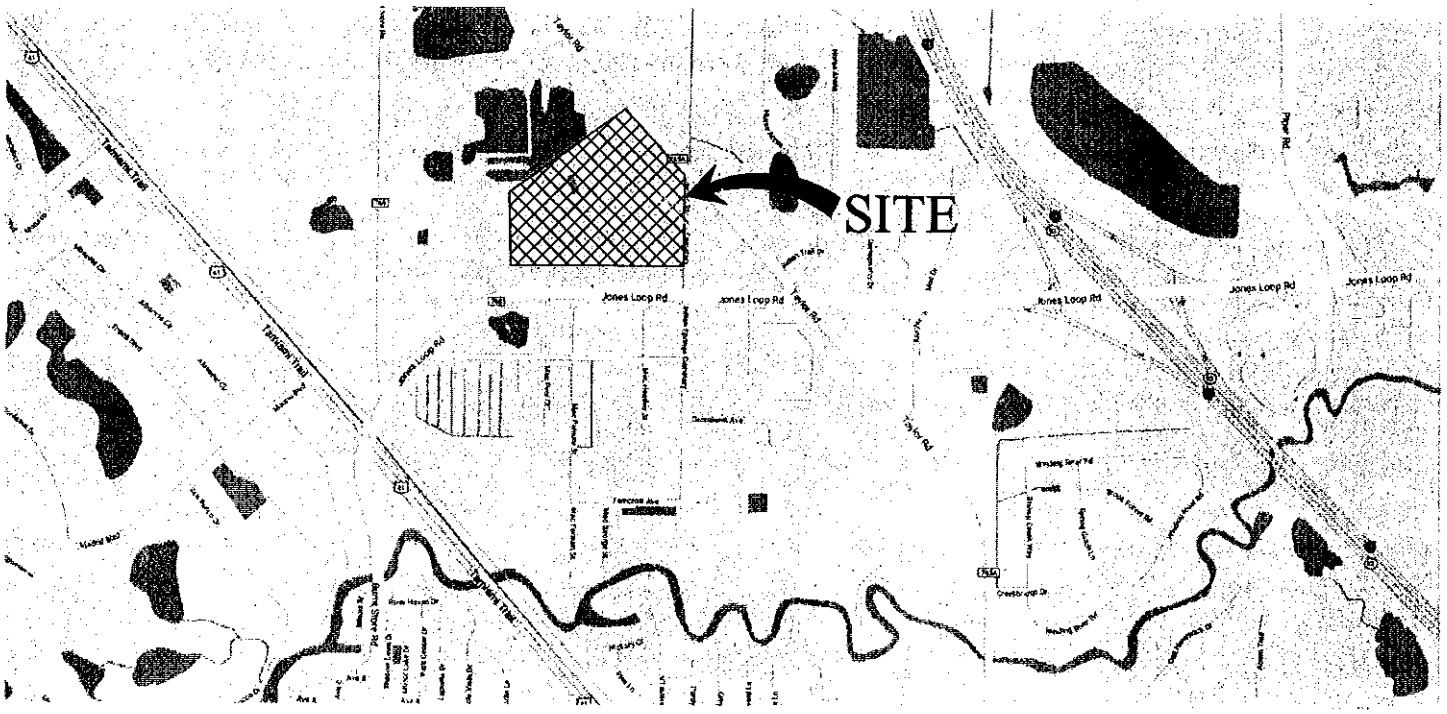
N

NOT TO SCALE

# SECTIONS 21; TOWNSHIP 41S; RANGE 23E




CHARLOTTE COUNTY, FLORIDA




LOCATION MAP

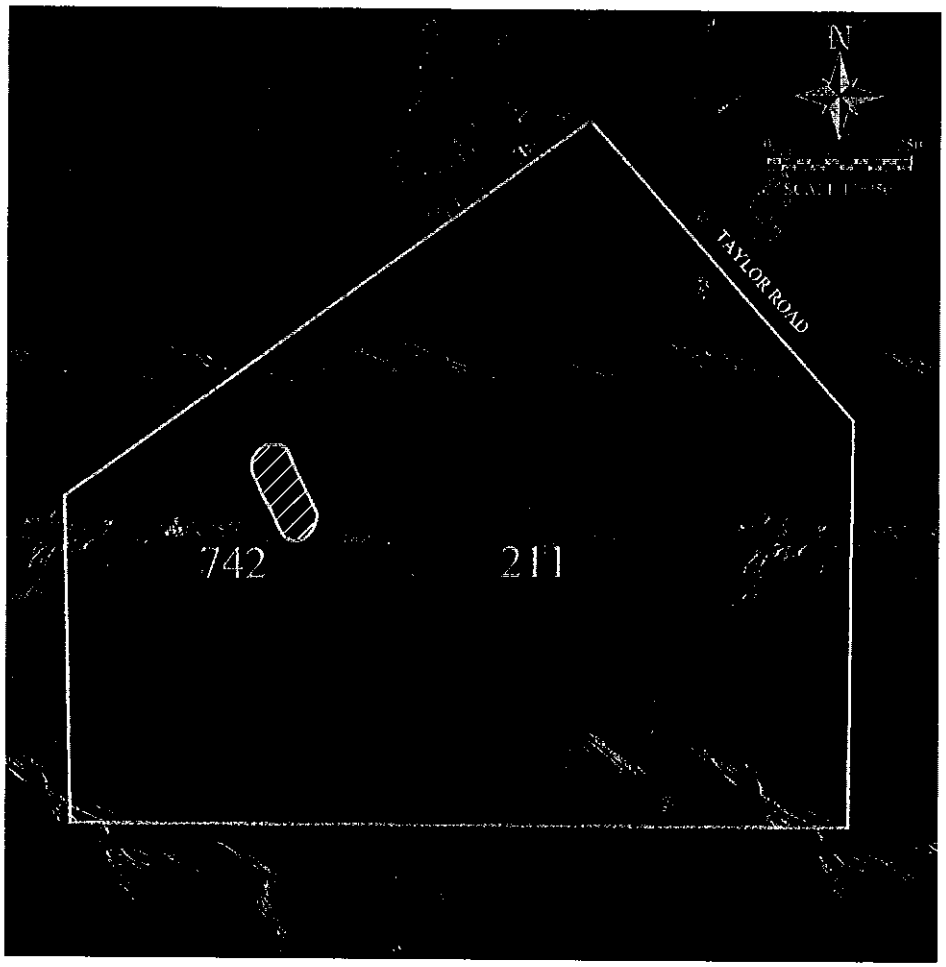
21-544 / JANUARY 3, 2022

# LOOP II

LOCATION MAP

IVA
Ian Vincent & Associates
Environmental Consulting Services

SECTION 21; TOWNSHIP 41S; RANGE 23E




## LEGEND

| FLUCCS | DESCRIPTIONS | ACREAGE |
|---|---|---|
| 211 | IMPROVED PASTURE | 29.01± |
| 742 | BORROW AREA | 0.27± |
| | TOTAL | 29.28± |

● POTENTIALLY OCCUPIED GOPHER TORTOISE BURROW ( 1 )

OTHER SURFACE WATER 0.27±

NOTES:
1. FOR PERMIT USE ONLY, NOT FOR CONSTRUCTION.
2. PROJECT BOUNDARY IS APPROXIMATE AND WAS OBTAINED FROM CHARLOTTE COUNTY GIS.
3. MAPPING APPROXIMATE AND BASED ON INTERPRETATION OF 2017 AERIAL PHOTOGRAPHY AT 1"=250' SCALE.
4. THE DELINEATION OF ANY ON-SITE WETLANDS, SURFACE WATERS, AND/OR OTHER SURFACE WATERS IS PRELIMINARY AND SUBJECT TO REVIEW/APPROVAL BY APPLICABLE REGULATORY AGENCIES.

21-544 JANUARY 3, 2021

# LOOP II

## DEVELOPMENT SUITABILITY ASSESSMENT MAP

Ian Vincent & Associates
Environmental Consulting Services

# *TRAFFIC IMPACT STATEMENT*

## North Jones Loop Property

Single-Family Detached Housing
9298 Mac Ever Street
Punta Gorda 33950

Prepared by:

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors
4161 Tamiami Trail, Building 5, Unit 501
Port Charlotte, FL 33952
PH (941) 625-1165
FX (941) 625-1149
www.bankseng.com

July 2022
BEI 4507

Signature: _____

Steven R. Sonberg, P.E., P.S.M.
Florida P.E. No. 92103

BANKS ENGINEERING

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APPENDIX B CHARLOTTE COUNTY ROADWAY CONCURRENCY (2021)

APPENDIX C FDOT ACCESS MANAGEMENT GUIDEBOOK (2019)

APPENDIX D NCHRPR 279 INTERSECTION CHANNELIZATION DESIGN GUIDE

## EXECUTIVE SUMMARY

Banks Engineering Inc. was retained by D.R. Horton to perform a traffic impact analysis in order to evaluate the resulting trips generated from the proposed construction of a 146-unit single-family development, as well as all associated infrastructure, located at 9298 Mac Ever Street, Punta Gorda, FL 33950. The Charlotte County Parcel Identification (PID) number is 412321151003. The following is a summary of the results of the evaluation performed by this firm that investigated the potential traffic impacts associated with the project on the servicing roadways.

The traffic impact estimates were generated utilizing the Institute of *Transportation Engineers (ITE) Trip Generation Manual, 11th Edition*. For this analysis, rates under Land Use Code 210 Single-Family Detached Housing were utilized to estimate the quantity of trips generated by the proposed development. It is projected that the project site, once complete, will generate approximately 1,429 calculated new daily trip ends, 105 total trips during the weekday AM commuter peak hour (27 entering, 78 exiting) and 142 total trips during the weekday PM commuter peak hour (89 entering, 53 exiting).

The analysis was performed on Taylor Road (C.R. 765-A) & Jones Loop Road N. for traffic impacts incurred due to the proposed development. Annual Average Daily Traffic (AADT) on Taylor Road (C.R. 765-A) & Jones Loop Road N. were obtained from the Charlotte County Concurrency Report (2021). The AADT for Taylor Road (C.R. 765-A) according to this report is 8,841(Two-way), 50% northbound and 50% southbound. The background traffic directional AADT data was calculated to be 4,421 northbound and 4,420 southbound. The AADT for Jones Loop Road N. according to this report is 14,406 (Two-way), 50% eastbound and 50% westbound. The background traffic directional AADT data was calculated to be 7,203 eastbound and 7,203 westbound. Future project directional traffic is anticipated to be 60/40 split between north and south entrances, respectively with 50% from/to the north and 10% from/to the south on Taylor Road (C.R. 765-A) and 10% from/to the west and 30% from/to the east on Jones Loop Road N.

Based on the Charlotte County Concurrency report, Taylor Road (C.R. 765-A) and Jones Loop Road N. both currently operate at acceptable LOS C and have an adopted LOS D. The existing roadway networks would continue to operate at a LOS C with the completion of the proposed North Jones Loop Property project.

Based on FDOT guidelines and NCHRPR 279, neither a right nor left turn lane is warranted for either roadway entrance.

In summary, the proposed project does not create any adverse impacts on the servicing roadway. Due to there being no adverse traffic conditions or hazards in the vicinity of the project site and based on this analysis, no additional improvements are warranted/recommended.

## INTRODUCTION

The proposed project involves the construction of up to 146-unit single-family homes. Both attached and detached single-family units are proposed, but this report is based on single-family detached units only, in order to analyze the maximum potential traffic impact of the proposed development located at the southwesterly corner intersection of Taylor Road (C.R 765-A) and Indian Springs Cemetery Road, situated in Punta Gorda, FL, as shown in **Figure 1**.

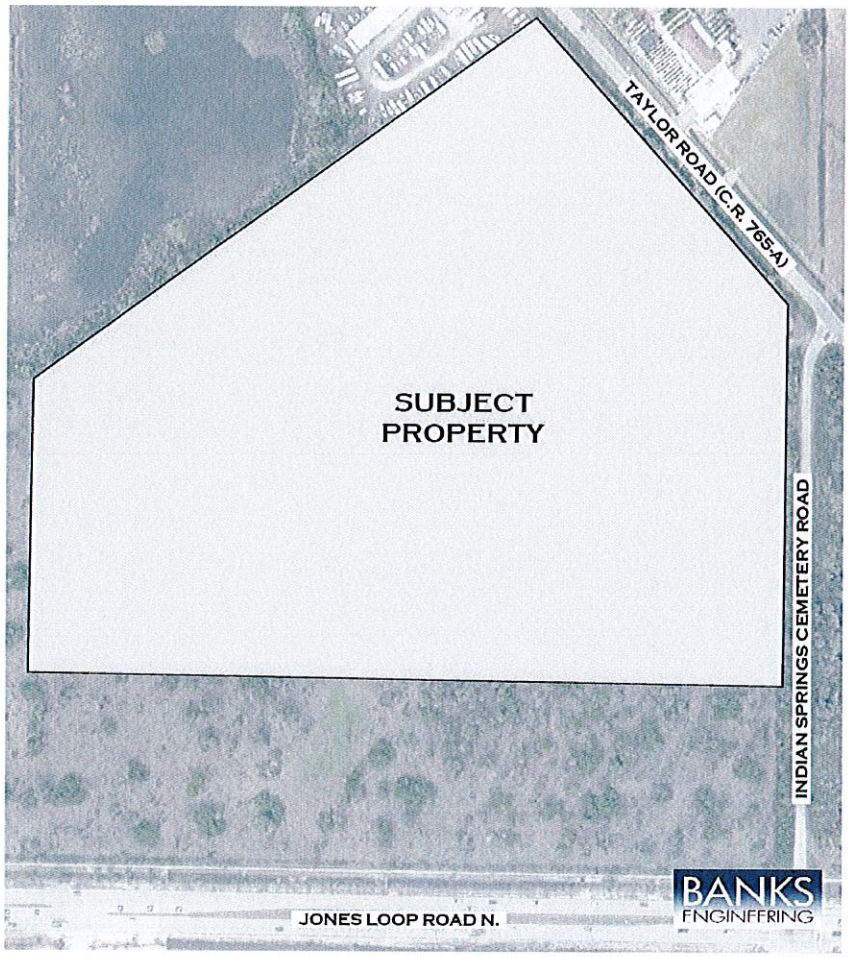



Figure 1: Project Location Map

This report reviews existing roadway and future traffic conditions in the area, estimates the patterns of traffic generated by the proposed project and summarizes the results of the analysis performed. The effect of this generated traffic increase on the site accessible roadway is also analyzed. The project site plan is shown in **Figure 2**.

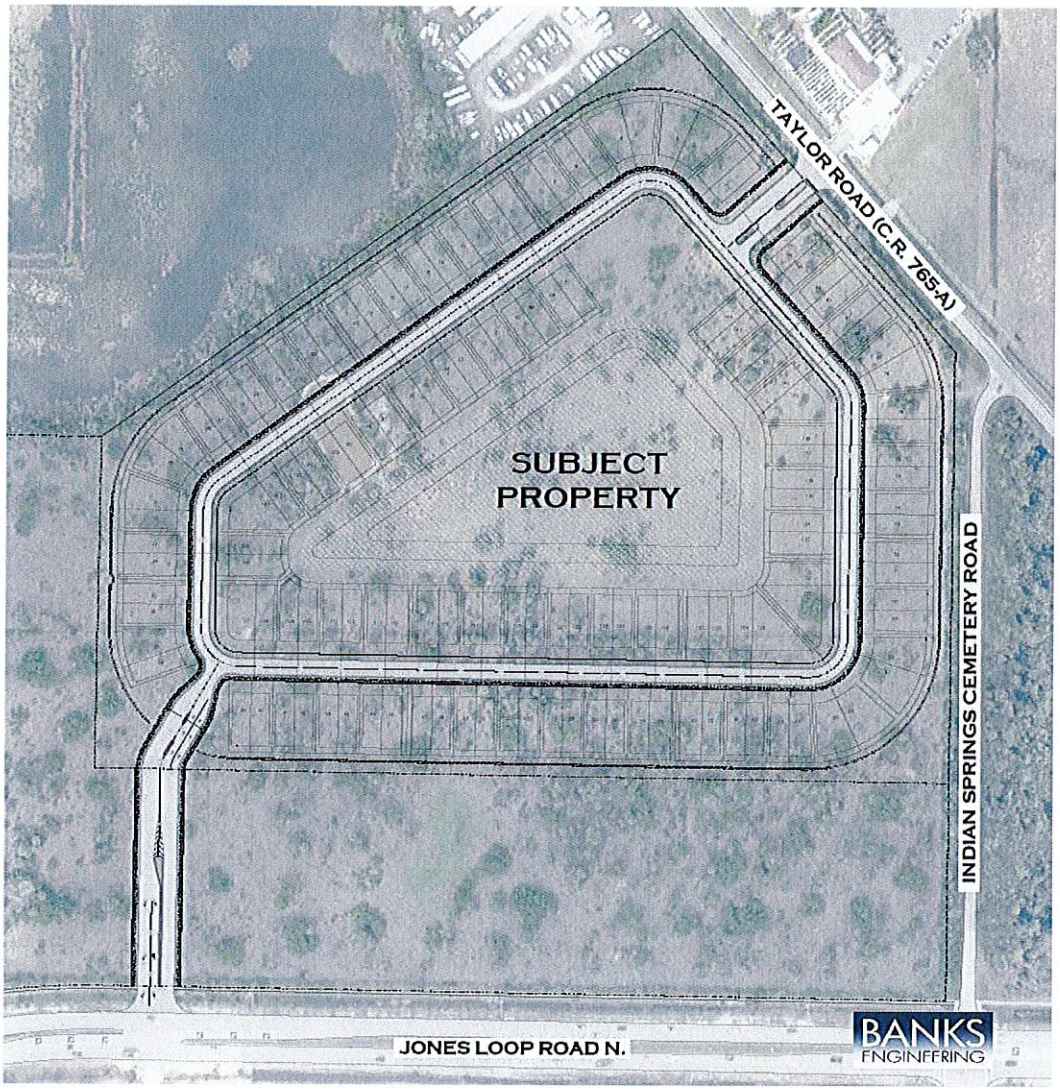



Figure 2: Project Site Plan

Site Access:

Upon completion of the project, the site will have two ingress/egress points of access. A full access point onto Taylor Road (C.R. 765-A), 450' +/- northwest of Indian Springs Cemetery Road and full access will be at the existing full median opening on Jones Loop Road N., 1,300' +/- west of Indian Springs Cemetery Road.

## PROJECT DESCRIPTION

Existing Land Use:

As stated, the subject property is located at the southwest corner intersection Taylor Road (C.R. 765-A) and Indian Springs Cemetery Road and is currently vacant/undeveloped. See **Figure 3** below for existing conditions.

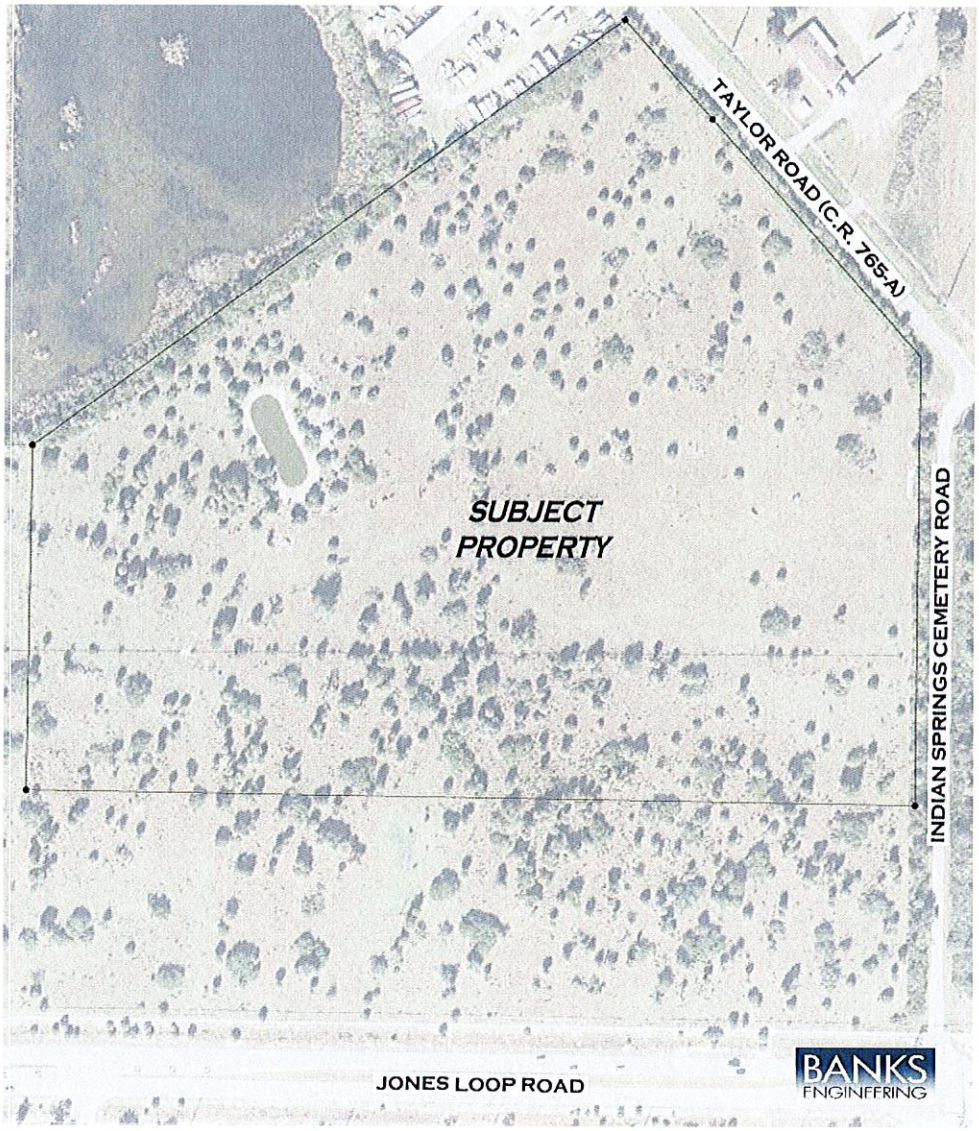



Figure 3: Existing Conditions Map

Zoning:

The site is situated in the City of Punta Gorda and currently zoned, Highway Commercial District (HC) with a proposed rezoning to Planned Development Neighborhood (PDN). The adjoining zoning designations are as follows: East – Planned Development (PD-County), Manufactured Home Park (MHP-County), (HC), West – (HC) and Residential Estate (RE1-County), North– Industrial General (IG-County) and (RE-1-County) and South-(HC), as shown in **Figure 4**.

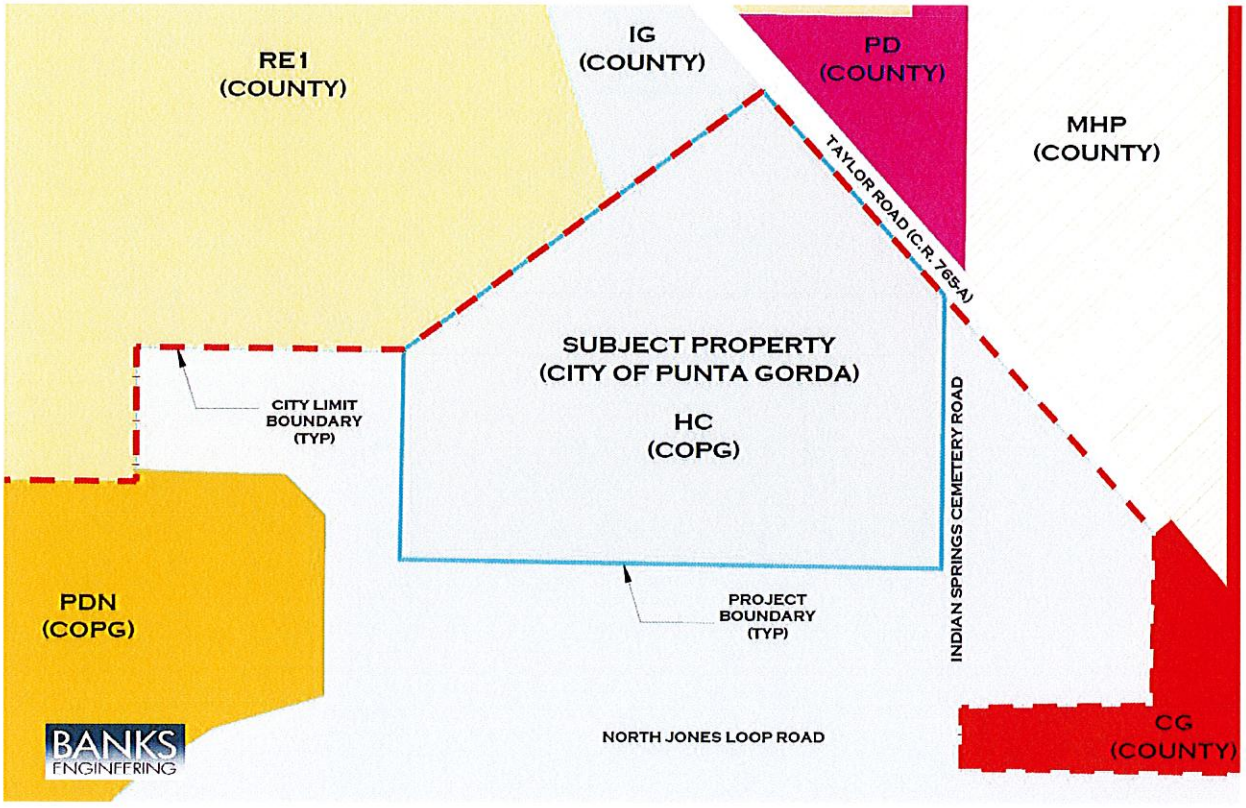



Figure 4: Zoning Map

## METHODOLOGY

### Trip Generation:

Utilizing traffic impact study software, a trip generation analysis was performed and analyzed, as shown in Appendix A. This software is based on the Institute of Transportation Engineers (ITE) Trip Generation, 11th Edition. ITE Land Use Code 210 Single-Family Detached Housing was utilized to generate the proposed new trips for the developed subject parcel. The following is a brief summary of the general trip generation processes applied.

- Institute of Transportation Engineers (ITE) rates were applied to the proposed development. For Single-Family Detached Housing, the ITE trip generation rates and generated trip ends are based on the Dwelling Units (DU). The trip generation rates are summarized in Table 1 and the generated trip ends, both daily and peak-hour are shown in Table 2.

Table 1:
ITE Vehicular Trip Generation Rates

| ITE Land Use Characteristics | AM Directional Distribution | | | PM Directional Distribution | | |
|---|---|---|---|---|---|---|
| | In | Out | Pass-by | In | Out | Pass-by |
| 210 - Single-Family Detached Housing (146-units) | 26% | 74% | 0% | 63% | 37% | 0% |

Table 2:
ITE Generated Vehicular Trip Ends

| ITE Land Use Characteristics | Units | Daily | AM Peak Hour Trips | | | PM Peak Hour Trips | | |
|---|---|---|---|---|---|---|---|---|
| | | | In | Out | Total | In | Out | Total |
| 210 - Single-Family Detached Housing (146-units) | DU | 1,429 | 27 | 78 | 105 | 89 | 53 | 142 |
| **Total Trips:** | | **1,429** | **27** | **78** | **105** | **89** | **53** | **142** |

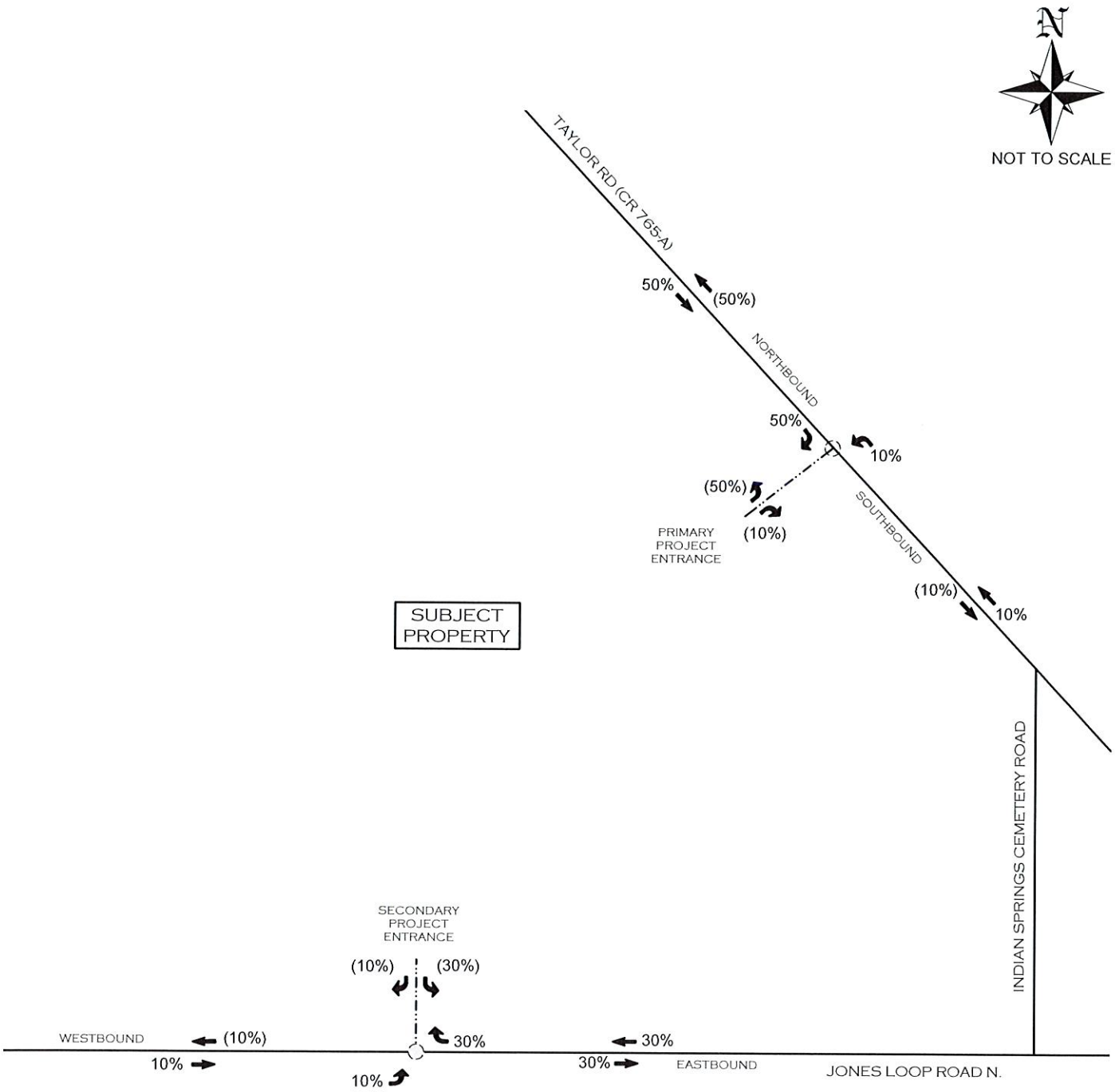
As the data shows, the proposed project would generate 1,429 trips daily with 105 trips during the AM peak hour and 142 trips during the PM peak hour.

Trip Distribution:

The project's net new traffic was distributed to the surrounding road network based local knowledge, logical means of ingress/egress, as well as current and future traffic patterns. It is anticipated that there will be a 60/40 split of trips with 60% distributed on Taylor Road and 40% distributed on Jones Loop Road N. Based on this information, the proposed roadway project distributions are shown in **Table 3** . On Taylor Road (CR 765-A), it is estimated that 50% of net new trips will come from US 41, while 10% will come from Jones Loop Road N. On Jones Loop Road N, it is anticipated that 10% of the net new trips will come from US 41, while 30% will come from I-75. The generated trip distribution percentages are shown in **Figure 5** and the PM peak-hour project trips are shown in **Figure 6**.

Table 3:
Proposed Traffic Distributions

| Roadway Link | Roadway Receiving Direction | Distribution of Project Traffic |
|---|---|---|
| Taylor Road (CR 765-A) | from/to North | 50% |
| Taylor Road (CR 765-A) | from/to South | 10% |
| Jones Loop Road N. | from/to West | 10% |
| Jones Loop Road N. | from/to East | 30% |




LEGEND:

—— - SERVICING ROADWAY

◌ - STUDY INTERSECTION

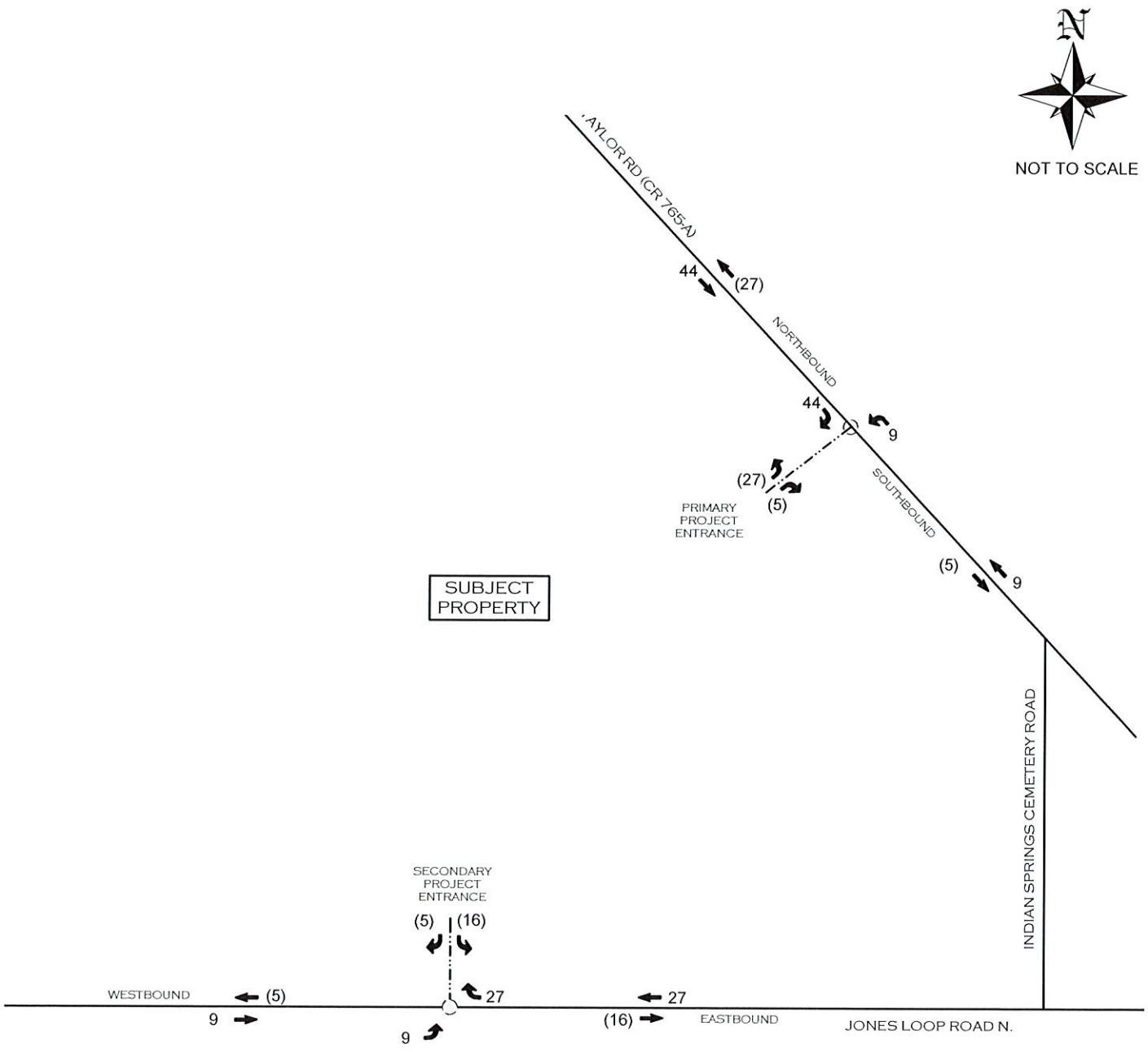
XX% = ENTERING PROJECT ASSIGNMENT PERCENTAGES

(XX%) = EXITING PROJECT ASSIGNMENT PERCENTAGES

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FIGURE 5:
PROJECT DISTRIBUTION
NORTH JONES LOOP PROPERT
PUNTA GORDA, FL

© 2022




LEGEND:

—— - SERVICING ROADWAY

◌ - STUDY INTERSECTION

XX = ENTERING PM PEAK HOUR VOLUMES

(XX) = EXITING PM PEAK HOUR VOLUMES

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FIGURE 6:
PM PEAK-HOUR PROJECT TRAFFIC
NORTH JONES LOOP PROPERTY
CITY OF PUNTA GORDA, FL

## EXISTING TRAFFIC CONDITIONS

Taylor Road (C.R. 765-A) is a two-lane collector roadway with a posted speed limit of 45 mph. Jones Loop Road N. is a four-lane major arterial roadway with a posted speed limit of 45 mph. Service Volumes and Annual Average Daily Traffic (AADT) were obtained from the Charlotte County Roadway Concurrency Report (2021) which is provided in **Appendix B**. The K-factor and growth rates from said report were used to convert the AADT to the 100th Peak Hour by multiplying the AADT by K- factor. This is shown in **Table 4** below. This data shows that both Taylor Road (C.R. 765-A) and Jones Loop Road N. are currently operating at acceptable LOS C and both have adopted LOS D.

Table 4:
Existing Traffic LOS Analysis

| Roadway Segment | 2021 AADT | k-factor | Growth Rate | 2022 Peak Hour | Operating LOS | Adopted LOS |
|---|---|---|---|---|---|---|
| Taylor Road (CR 765-A) | 8,841 | 0.091 | 3.00% | 829 | C | D |
| Jones Loop Road N | 14,406 | 0.091 | 4.00% | 1,363 | C | D |

## FUTURE TRAFFIC CONDITIONS

The project has an estimated buildout date of summer 2023. **Table 5** summarizes this relationship of the roadway segment and the projected growth rate to the level of service with project trips.

Table 5:

Future Traffic LOS Analysis

| Roadway Segment | 2022 Peak Hour | Growth Rate | Peak Hour Project Trips | 2023 Peak Hour | LOS Limit (Peak Hr/2-Way Vol.) | Operating LOS | Adopted LOS | LOS Exceeded |
|---|---|---|---|---|---|---|---|---|
| Taylor Road (CR 765-A) | 829 | 3.00% | 85 | 939 | 1,359 | C | D | No |
| Jones Loop Road N | 1,363 | 4.00% | 57 | 1,475 | 3,222 | C | D | No |

The data in **Table 5** illustrates the total peak hour traffic added for growth rate over the year and project development on Taylor Road and Jones Loop Road N is 85 and 57 trips, respectively. The Charlotte County Roadway Concurrency Report (2021) shows both Taylor Road (CR 765-A) and Jones Loop Road N are currently operating at LOS C with adopted LOS D. With the added traffic, the roadways will continue operating at a LOS C. This shows that the project development will not have any adverse traffic impacts on capacity for Taylor Road (C.R. 765-A) and Jones Loop Road N.

## TURN LANE ANALYSIS

### Right-turn Lane:

The Right-turn Lane Warrant Study was performed based on the *FDOT "Access Management Guidebook" 2019, Table 27*. This reference guide identifies the threshold of right-turns requiring a turn lane as 80-125 vph for a facility with a posted speed limit 45 MPH or less. Taylor Road (C.R. 765-A) and Jones Loop Road N. have posted speed limits of 45 MPH. A copy of this reference guide is provided in **Appendix C**. The right-turn lane warrant analysis is summarized in **Table 6.**

Table 6:
Right-turn Lane Analysis

| Roadway Segment | Movement | Roadway Posted Speed Limit | Peak-Hour Right Turn Threshold limits | Peak-Hour Right Turn Volume (vph) | Right Turn Lane Warranted |
|---|---|---|---|---|---|
| Taylor Road (C.R. 765-A) | SBRT | 45 | 80 | 44 | NO |
| Jones Loop Road N. | WBRT | 45 | 80 | 27 | NO |

1 Per the FDOT access management guidebook, "The lower threshold of 80 right-turn vehicles per hour would be most used for higher volume (greater than 600 vehicles per hour, per lane in one direction on the major roadway) or two-lane roads where lateral movement is restricted. The 125 right-turn vehicles per hour upper threshold would be most appropriate on lower volume roadways, multilane highways, or driveways with a large entry radius (50 feet or greater)."

As indicated in **Table 6,** the proposed project is calculated to have a maximum of 44 southbound right-turns on Taylor Road (CR 765-A) and 27 westbound right-turns on Jones Loop Road N. during the peak PM hour. Based on this information, the project does not meet the threshold limit warranting a right-turn lane, as outlined in the FDOT guidelines; therefore, a right-turn lane is "Not" warranted for either roadway entrance.

### Left-turn Lane:

The Left-turn Lane Warrant analysis was performed based on NCHRPR 279 and is provided in **Appendix D**. This report identifies the threshold warranting a designated left-turn lane based on advancing and opposing peak hour volumes and the percentage of left-turns during the peak hour. **Table 7** summarizes the left-turn lane analysis data.

Table 7:
Left-turn Lane Analysis

| Roadway Segment | Movement | PH Volume Advancing (VA) | Peak-Hour Left Turn Volume (vph) | PH Volume Opposing (VA) | % Left Turns | Left Turn Lane Warranted |
|---|---|---|---|---|---|---|
| Taylor Road (C.R. 765-A) | NBLT | 469 | 9 | 469 | 2% | NO |
| Jones Loop Road N. | EBLT | 737 | 9 | 737 | 1% | NO |

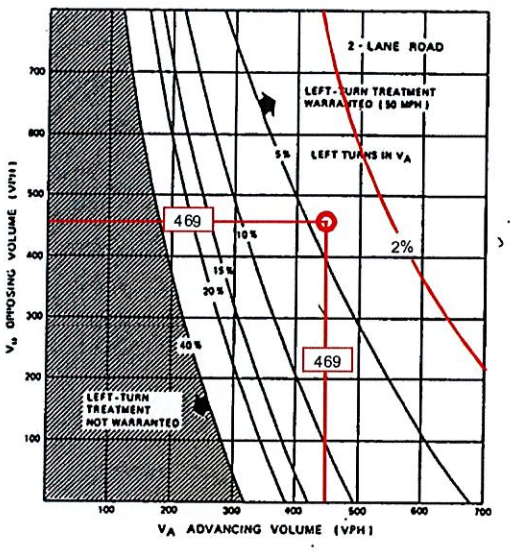



Figure 7a: Left-turn Lane Warrant (Taylor Road (CR 765-A))

As **Figure 7a** shows, based on a 2-Lane Road for 50-mph (more restrictive) with $V_O$ = 469 VPH, $V_A$ =469 VPH and calculated 2% left-turns, a left-turn lane is "Not" warranted/recommended.

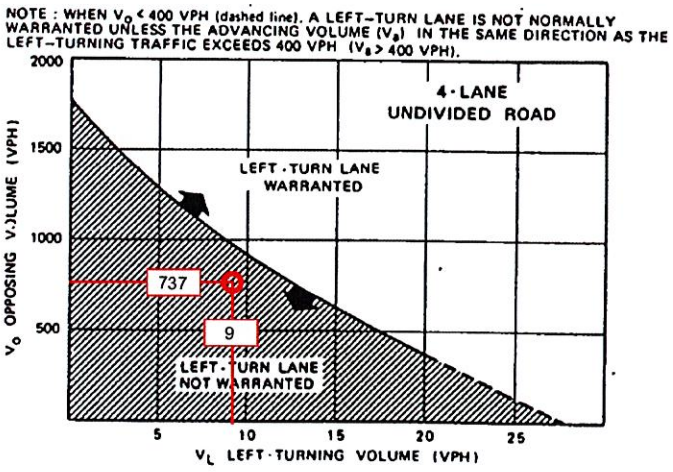



Figure 7b: Left-turn Lane Warrant (Jones Loop Road N.)

As **Figure 7b** shows, based on a 4-Lane Road with $V_O$ = 737 VPH, $V_L$ =9 VPH, a left-turn lane is "Not" warranted, however there is an existing eastbound left turn lane at the proposed median project access location.

## CONCLUSION

This analysis has addressed the traffic impacts that the North Jones Loop Property project would have on Taylor Road (C.R. 765-A) & Jones Loop Road N. Based on this analysis and the resulting data, the following is concluded:

- The project is projected to generate 1,429 daily trips with 105/142 peak commuter trips during the AM/PM hours.
- The LOS analysis for Taylor Road (C.R. 765-A) & Jones Loop Road N. shows that the roadways currently operate at LOS C with an adopted LOS D and with the construction of the proposed project, the roadways would continue to safely operate within LOS C limits.
- Based on FDOT recommended Guidelines, a Right-turn lane is "Not" warranted for either roadway entrance.
- Based on NCHRP 279 methodology, a Left-turn lane is "Not" warranted for either roadway entrance.

In summary, the new trips generated by the proposed North Jones Loop Property project can be accommodated within the available capacity of the existing roadways and will not create any adverse traffic impacts on the servicing roadway networks, therefore no improvements/treatments are recommended.

## APPENDIX "A"

ITE TRIP GENERATION (11th Edition)

# Single-Family Detached Housing
(210)

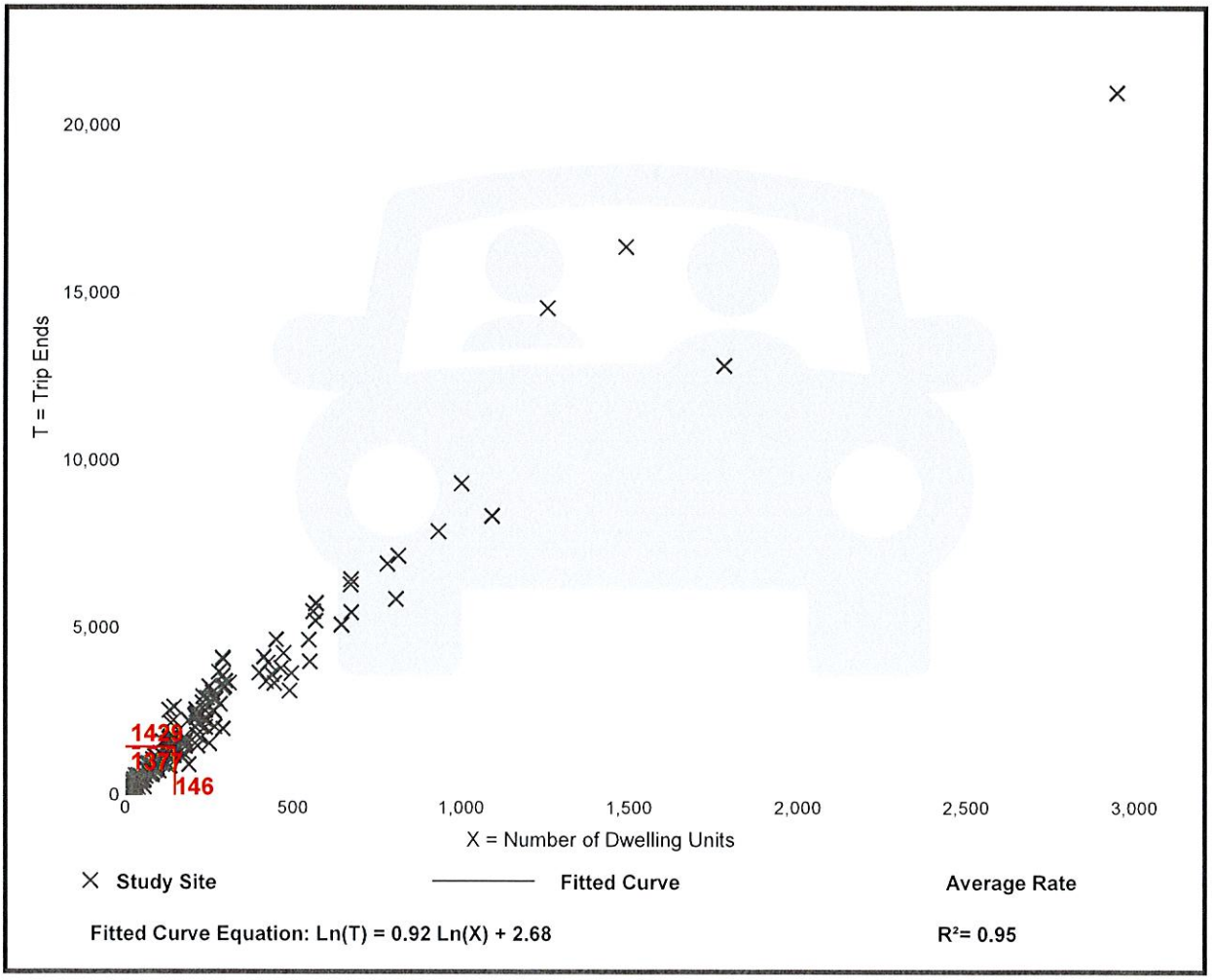
**Vehicle Trip Ends vs:** **Dwelling Units**
**On a:** **Weekday**

**Setting/Location:** **General Urban/Suburban**
Number of Studies: 174
Avg. Num. of Dwelling Units: 246
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|---|---|---|
| 9.43 | 4.45 - 22.61 | 2.13 |

## Data Plot and Equation




*Trip Gen Manual,* 11th Edition • Institute of Transportation Engineers

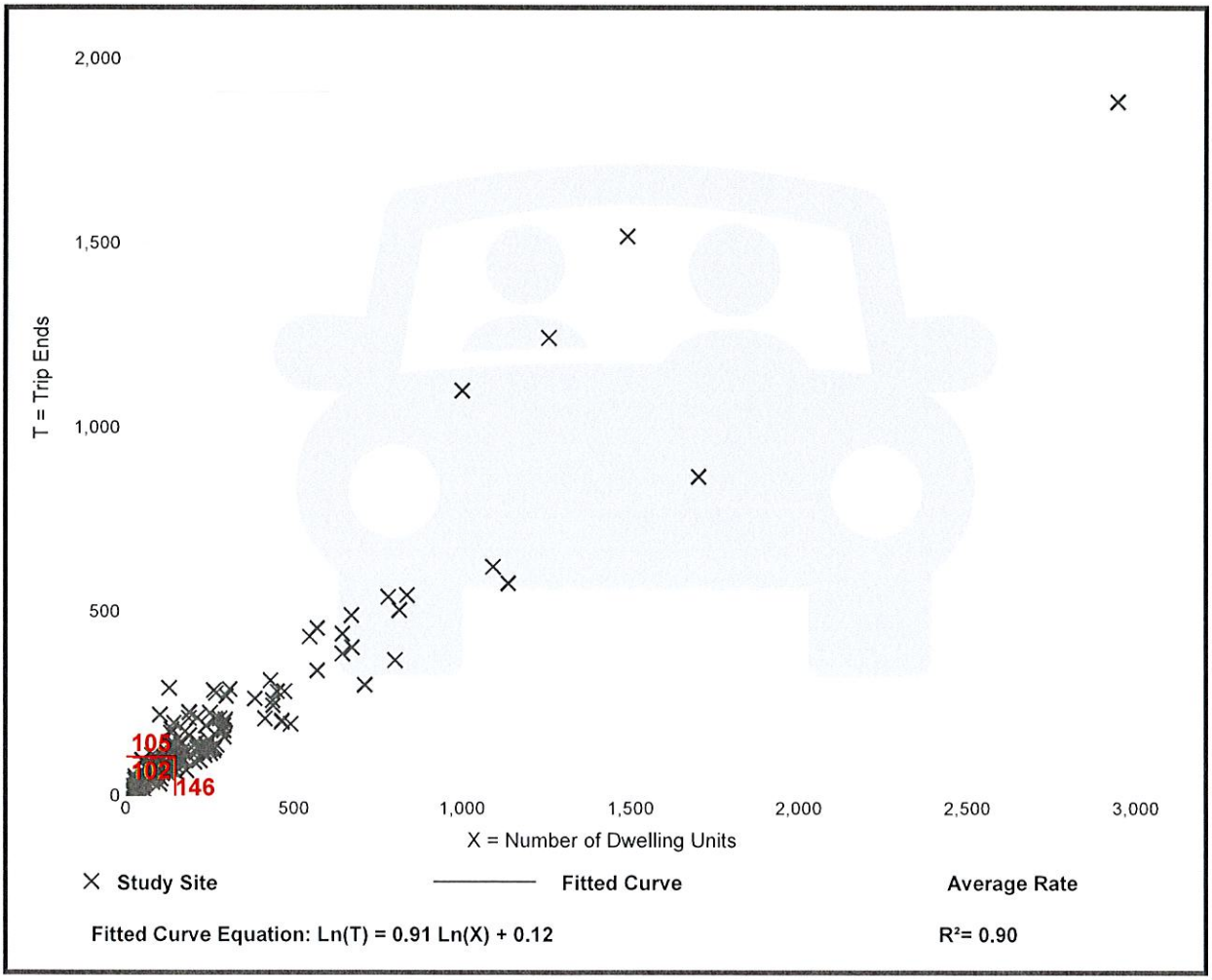
# Single-Family Detached Housing
(210)

| | |
|---|---|
| **Vehicle Trip Ends vs:** | **Dwelling Units** |
| **On a:** | **Weekday,** |
| | **Peak Hour of Adjacent Street Traffic,** |
| | **One Hour Between 7 and 9 a.m.** |
| **Setting/Location:** | **General Urban/Suburban** |
| Number of Studies: | 192 |
| Avg. Num. of Dwelling Units: | 226 |
| Directional Distribution: | 26% entering, 74% exiting |

## Vehicle Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|---|---|---|
| 0.70 | 0.27 - 2.27 | 0.24 |

## Data Plot and Equation




*Trip Gen Manual,* 11th Edition • Institute of Transportation Engineers

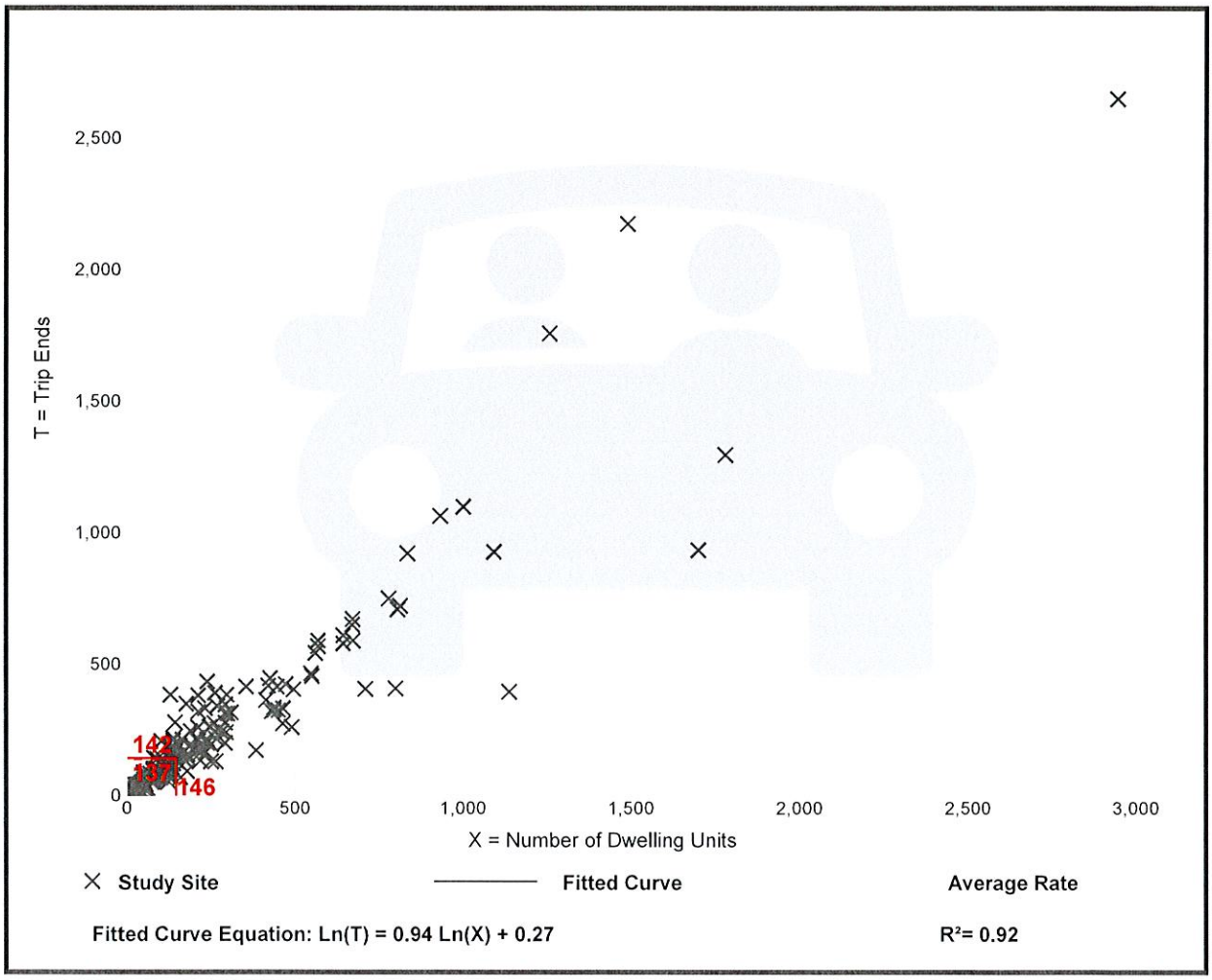
# Single-Family Detached Housing
(210)

| | |
|---|---|
| **Vehicle Trip Ends vs:** | **Dwelling Units** |
| **On a:** | **Weekday,** |
| | **Peak Hour of Adjacent Street Traffic,** |
| | **One Hour Between 4 and 6 p.m.** |
| **Setting/Location:** | **General Urban/Suburban** |
| Number of Studies: | 208 |
| Avg. Num. of Dwelling Units: | 248 |
| Directional Distribution: | 63% entering, 37% exiting |

## Vehicle Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|---|---|---|
| 0.94 | 0.35 - 2.98 | 0.31 |

## Data Plot and Equation




*Trip Gen Manual,* 11th Edition • Institute of Transportation Engineers

## APPENDIX "B"

CHARLOTTE COUNTY ROADWAY CONCURRENCY (2021)

| VV SNO | Roadway | Station | From | To | Speed | Fed. Func. Class. | Lanes | 2021 AADT | Sugg. Gr. Rate | Level of Service Calculations[1] | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | K100 | 100th Hr Vol. | Level of Service Limits (Pk. Hr. Two-way Vol.) | | | | Level of Service | | Percent (%) Capacity Used |
| | | | | | | | | | | | | B | C | D | E | Adopted | Current | |
| 138 | Jones Loop Road N | 273 | Burnt Store Rd. | Taylor Rd. | 45 | MA | 4D | 14,406 | 4.00% | 0.091 | 1311 | - | 3078 | 3222 | * | D | C | 41% |
| 201 | Taylor Road | 180 | Burnt Store Rd. | Airport Rd. | 45 | RMC | 2U | 8,841 | 3.00% | 0.091 | 805 | - | 1359 | 1440 | * | D | C | 56% |

**Notes and Assumptions for the LOS Computations:**

1. LOS Calculations are based on 2020 FDOT Generalized LOS Tables (TABLE 4)

## APPENDIX "C"

FDOT ACCESS MANAGEMENT GUIDEBOOK (2019)

(SELECTED PAGES)

### When Not to Consider Exclusive Right-Turn Lanes

- Dense or built-out corridors with limited space
- Right-turn lane that would negatively impact pedestrians or bicyclists
- Vehicular movements from driveways or median openings that cross the right-turn lane resulting in multiple threat crashes
- Context classifications C2T, C4, C5, or C6

### When Exclusive Right-Turn Lanes are Beneficial

There are instances when adding an exclusive right-turn lane for unsignalized driveways are beneficial to traffic operations and safety. ***Table 27*** provides some guidance for this situation based on the speed limit of the roadway and how many right turns occur per hour. Locations where the Auto and Truck Modal Emphasis is "High" may be appropriate for consideration of Exclusive Right Turn Lanes.

*Table 27 – Recommended Guidelines for Exclusive Right-Turn Lanes to Unsignalized Driveway*[10]

| Roadway Posted Speed Limit | Number of Right Turns Per Hour |
|---|---|
| **45 mph or less** | 80 – 125[1] |
| **Over 45 mph** | 35 – 55[2] |
| *Note: A posted speed limit of 45 mph may be used with these thresholds if the operating speeds are known to be over 45 mph during the time of peak right turn demand.* | |
| *Note on traffic projections: Projecting turning volumes is, at best, a knowledgeable estimate. Keep this in mind especially if the projections of right turns are close to meeting the guidelines. In that case, consider requiring the turn lane.* | |
| *[1] The lower threshold of 80 right-turn vehicles per hour would be most used for higher volume (greater than 600 vehicles per hour, per lane in one direction on the major roadway) or two-lane roads where lateral movement is restricted. The 125 right-turn vehicles per hour upper threshold would be most appropriate on lower volume roadways, multilane highways, or driveways with a large entry radius (50 feet or greater).* | |
| *[2] The lower threshold of 35 right-turn vehicles per hour would be most appropriately used on higher volume two-lane roadways where lateral movement is restricted. The 55 right-turn vehicles per hour upper threshold would be most appropriate on lower volume roadways, multilane highways, or driveways with large entry radius (50 feet or greater).* | |

Source: NCHRP Report 420 (Impacts of Access Management Techniques)

These recommendations are primarily based on the research done in NCHRP Report 420, Impacts of Access Management Techniques, Chapter 4 – Unsignalized Access Spacing (Technique 1B), and Use of Speed Differential as a Measure to Evaluate the Need for Right-Turn Deceleration Lane at Unsignalized Intersections.

In the *NCHRP Report 420*, the observed high-speed roads, 30 to 40 right-turn vehicles per hour caused evasive maneuvers on 5 - 10 percent of the following through vehicles. For lower speed roadways, 80 to 110 right-turn vehicles caused 15 - 20 percent of the following through vehicles to make evasive maneuvers. The choice of acceptable percentages of through vehicles impacted is a decision based on reasonable expectations of the different roadways.

In this study, by modeling speed differentials, a better understanding of the impacts of through volume and driveway radius was discovered.

[10] May not be appropriate for signalized locations where signal phasing plays an important role in determining the need for right turn lanes.

## APPENDIX "D"

NCHRPR 279 INTERSECTION CHANNELIZATION DESIGN GUIDE

(SELECTED PAGES)

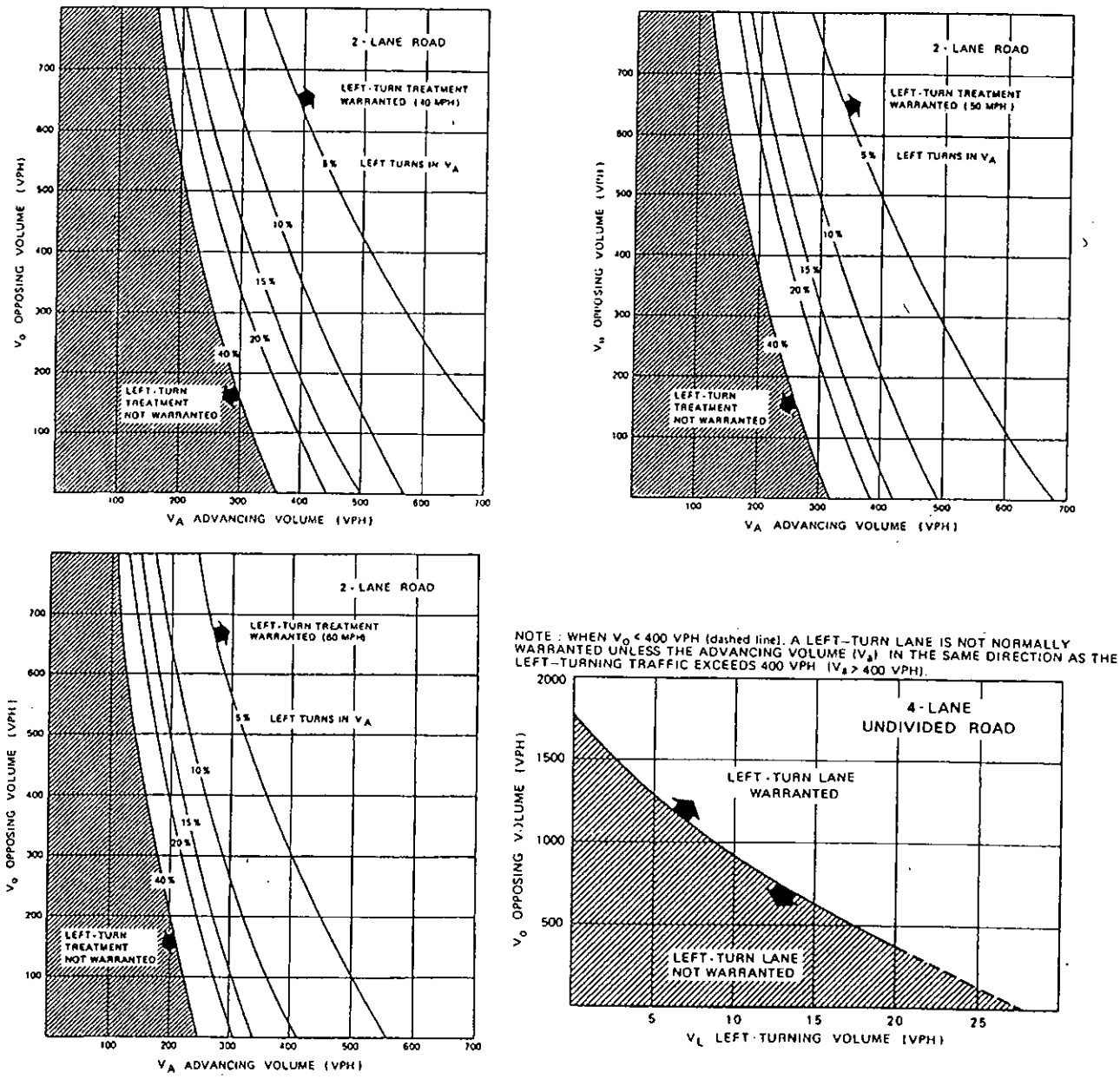



*Figure 4-12. Volume warrants for left-turn lanes at unsignalized intersections.* (Source: Ref. *4-7*)

a partially shadowed left-turn lane, as illustrated in Figure 4-14. With partially shadowed left-turn lanes, the offset created by the approach taper does not entirely protect or "shadow" the turn lane.

### Length of Lane

The left-turn lane length is among the most important design element of left-turn lanes. Its design is directly tied to the particular function of the lane, which is based on prevailing speeds, traffic volumes, and traffic control. The design basis for length can be deceleration, storage, or a combination of both.

Left-turn lanes on high-speed highways should be designed to accommodate vehicle deceleration and braking. The channelization principle of removing slow or decelerating vehicles from through traffic applies at such locations. Figure 4-15 illustrates the functional basis for design of deceleration-based left-turn lanes according to AASHTO. The assumed "reasonable" driver behavior includes deceleration in gear for 3 sec., followed by comfortable braking completely within the turning lane. Where constraints exist and speeds are moderate, an al-

CITY OF PUNTA GORDA

Utilities Administration
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-3339
FAX: (941) 575-5006
utility@CityofPuntaGordaFL.com

January 11, 2022

Paul Terry
4161 Tamiami Trail, Bldg 5, Suite 501
Port Charlotte, FL 33952
Sent via email: pterry@bankseng.com

RE: Water and Wastewater Service Availability
Parcel ID 412321151003
9298 Mac Ever St

This letter is issued to identify the procedure to determine the availability of water and sewer services to the above referenced property. The subject location is in the City Utility Service Area. Utility availability means, the subject parcel has the ability to connect to the existing water system and the existing gravity sewer system, and obtain water and sewer capacity required by the subject parcel. Parcels which are un-developed, or planned for re-development, or planned for change of use, will require site specific information to evaluate utility availability status. In the event utility service is not available at the capacity required by the subject parcel, off-site utility line extensions or improvements from the City utility system to the subject location will be required to obtain utility availability. Off-site utility improvements necessary to obtain utility availability are the responsibility of the specially benefitted properties, property owner, or developer.

A preliminary review based on viewing the subject parcel(s) on the Charlotte County GIS site, ccgis.com, indicates the property is undeveloped. Utility improvements may be necessary to obtain utility service to the subject parcel(s). We recommend meeting in our office to determine site specific information, and review capacity and location of existing utility lines. Off-site utility improvements may be required to obtain utility service to the subject parcel. Off-site utility line extensions will be required to meet the future development scenarios consistent with the Utility planning scenarios.

The following conditions apply to owner/developer constructed utility system improvements.

1. Owner/Developer shall be responsible for the design, funding, construction of all on-site and off-site water and sewer facilities necessary to provide service which may include up-grading of existing off-site utility facilities.

2. All utility construction plans, permits, and shop drawings must be reviewed and approved by the City of Punta Gorda Utility Department.

3. Owner/Developer shall obtain all necessary regulatory approvals, including Florida Department of Environmental Protection, City of Punta Gorda, Charlotte County, and FDOT.

4. All off-site utility improvements must be contributed to the City as a developer contributed asset prior to approval to place in service.

5. Service is contingent upon sufficient water and sewer plant capacity at time of connection. (Capacity is based on a first come-first serve basis at time of connection and impact fee payments).

Please call our office at 575 3339 if you would like to schedule a utility availability meeting. If you should have any questions, please do not hesitate to call this office.

Sincerely,

Steve Adams
Utility Engineering Manager

ROGER D. EATON, CHARLOTTE COUNTY CLERK OF CIRCUIT COURT OR BOOK: 4892, PGS: 1390 , PAGE: 1 OF 3
INSTR # 3033643 Doc Type: D, Recorded: 12/13/2021 at 3:47 PM
Rec. Fee: RECORDING $27.00 D DOCTAX PD $0.70 Cashier By: KARENB

After recording return to:

Kevin A. Denti, Esquire
Kevin A. Denti, P.A.
2180 Immokalee Road – Suite #316
Naples, Florida 34110

Consideration: **$10.00**

Documentary Stamp Tax: **$0.70**

Parcel Identification Numbers: 412321151003; 412321376003; 412328127001 and 412321326001.

(Above Space for Clerk's Use Only)

## QUIT-CLAIM DEED

**THIS QUIT-CLAIM DEED** is made and executed this 6th day of December, 2021, by **DENNIS J. FULLENKAMP, Individually, as Trustee, and as Trustee of the Land Trust Agreement dated July 12, 1988**, having an address of 3405 Hancock Bridge Pkwy Ste A. North Fort Myers FL 33903 ("Grantor"), to **JONES LOOP ROAD LLC**, a Delaware limited liability company, having an address of 999 Vanderbilt Beach Road – Suite #701, Naples, Florida 34108 ("Grantee").

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars ($10.00), in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in Charlotte County, Florida, to wit:

See Exhibit "A" attached hereto.

The subject property does not constitute the homestead of the Grantor nor of any member of the Grantor's family – Grantor homestead address is 12801 Treelene Ct North Fort Myers FL 33903.

TOGETHER WITH all improvements, tenements, hereditaments and appurtenances thereto belonging or in any way appertaining to such real property.

SUBJECT TO all covenants, conditions, easements, agreements and restrictions of record, without hereby reimposing same and real estate taxes for 2021 and all subsequent years.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantee forever.

IN WITNESS WHEREOF, Grantor has executed and delivered this Quit-Claim Deed as of the day and year first above written.

Signed, sealed, and delivered
in the presence of:

Witness #1
**Individually,**
Print Name Below:

Witness #2
Print Name Below:
Kristine Meyers

**DENNIS J. FULLENKAMP,**

**as Trustee, and as Trustee of the Land Trust Agreement dated July 12, 1988**

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization this 6th day of December, 2021, by **DENNIS J. FULLENKAMP, Individually, as Trustee, and as Trustee of the Land Trust Agreement dated July 12, 1988,** [✓] who is personally known to me or [ ] who has produced _____ as identification.

KRISTINE R. MEYERS
MY COMMISSION # GG 185028
EXPIRES: February 21, 2022
Bonded Thru Notary Public Underwriters

NOTARY PUBLIC
Kristine Meyers
TYPED OR PRINTED NAME OF NOTARY
MY COMMISSION EXPIRES:

S:\Clients\TerraCap Partners II LP\Horton II (Jones Loop)\Closing Documents\Quit-Claim Deed – Fullenkamp

EXHIBIT "A"

DESCRIPTION:
A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 21 & 28, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING PART OF THE PLAT OF SOUTH-HIGHLANDS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 PAGE 6, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.88°42'52"E. ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 21 (FOR A BASIS OF BEARING) FOR 70.26 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SEABOARD RAILWAY; THENCE S.40°49'49"E. ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE FOR 527.50 FEET TO THE POINT OF BEGINNING; THENCE N.49°10'11"E. FOR 692.86 FEET; THENCE N.40°49'49"W. FOR 493.38 FEET; THENCE N.49°10'11"E. FOR 324.85 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHLAND AVENUE (50' WIDE) AS SHOWN ON THE AFOREMENTIONED PLAT OF SOUTH-HIGHLANDS; THENCE S.89°28'38"E. ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID HIGHLAND AVENUE FOR 1930.95 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF INDIAN SPRINGS CEMETERY ROAD (WIDTH VARIES); SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 200 OF SAID PLAT; THENCE S.00°36'11"W. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID INDIAN SPRINGS CEMETERY ROAD FOR 950.00 FEET TO THE NORTHEAST CORNER OF LOT 414 AS SHOWN ON THE AFOREMENTIONED PLAT OF SOUTH-HIGHLANDS; THENCE N.89°28'38"W. ALONG THE NORTHERLY LINE OF SAID LOT 414, SOUTH HIGHLANDS FOR 156.85 FEET TO THE NORTHWEST CORNER OF SAID LOT 414, SOUTH-HIGHLANDS; THENCE S.00°30'35"W. ALONG THE WESTERLY LINES OF LOTS 409, 410, 411, 412, 413, AND 414 OF SAID PLAT OF SOUTH-HIGHLANDS FOR 350.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF FERN DRIVE (50' WIDE); SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 406 AS SHOWN ON SAID PLAT OF SOUTH-HIGHLANDS; THENCE S.89°28'38"E. ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID FERN DRIVE FOR 156.28 FEET TO THE NORTHEAST CORNER OF LOT 408, AS SHOWN ON THE AFOREMENTIONED PLAT OF SOUTH-HIGHLANDS, ALSO BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF AFOREMENTIONED INDIAN SPRINGS CEMETERY ROAD; THENCE S.00°36'11"W. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID INDIAN SPRINGS CEMETERY ROAD FOR 129.30 FEET TO THE SOUTHERLY LINE OF SAID PLAT OF SOUTH-HIGHLANDS ALSO BEING THE SOUTHEAST CORNER OF LOT 408; THENCE N.89°28'38"W. ALONG SAID SOUTHERLY LINE FOR 531.10 FEET TO THE EASTERLY LINE OF SAID PLAT OF SOUTH-HIGHLANDS ALSO BEING THE NORTHEAST CORNER OF LOT 395; THENCE S.00°31'22"W. ALONG SAID EASTERLY LINE FOR 465 FEET, MORE OR LESS TO THE MEAN HIGH WATER LINE OF THE ALLAPATCHEE RIVER ALSO KNOWN AS ALLIGATOR CREEK; THENCE MEANDERING ALONG THE MEAN HIGH WATER LINE FOR 1831 FEET, MORE OR LESS TO A POINT ON THE AFOREMENTIONED NORTHEASTERLY RIGHT-OF-WAY LINE OF SEABOARD RAILWAY; THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF SEABOARD RAILWAY THE FOLLOWING 3 COURSES: THENCE N.40°49'59"W. FOR 929 FEET, MORE OR LESS; THENCE N.49°10'10"E. FOR 20.00 FEET; THENCE N.40°49'49"W. FOR 225.95 FEET TO THE POINT OF BEGINNING.

School Board of Charlotte County
1445 Education Way
Port Charlotte, FL 33948
Phone 941-255-0808

Date & Time Received (City)

Date & Time Received (CCSB)

# SCHOOL IMPACT ANALYSIS FOR CONCURRENCY

Name of Applicant: Jones Loop Road LLC

Address: 999 Vanderbilt Beach Rd., Suite 701, Naples, FL 34108 Phone: _____

Contact Person: Geri L. Waksler, McCrory Law Firm, P.L. Phone: (941) 205-1122

Name of Development: North Jones Loop # of Phases Proposed: _____

Property Address or Street Name: 9298 Mac Ever Street, Punta Gorda, Florida 33950

Legal Description of Property (Use Additional Sheet if Necessary): Please refer to attached Legal Description

Parcel ID / Account # 412321151003

Lot # _____ Block: _____ Section: 21

Total Land Size: 1,242,604.63 Sq. feet 28.53 +/- acres

Existing Land Use: Highway Commercial (HC) Existing Zoning: Highway Commercial (HC)

Units per acre allowed: 5.12 Units developed per acre: 5.12

Below is the Student Generation Multiplier Factors for Charlotte County, included in the current Interlocal Agreement, which is used to calculate a project's impact. This multiplier is being provided as a means for this process to be transparent.

**Notice:** Once the application for development approval is deemed sufficient by the Local Government, the Local Government will forward the SIA to the School Board of Charlotte County for processing and review. Processing/review may take up to 20 days to complete.

This form is subject to revision without notice at any time.

**Student Generation Multiplier Factors for Charlotte County Public Schools**

| | Elementary (K-5) | | Middle (6-8) | | High (9-12) | |
|---|---|---|---|---|---|---|
| Number of units | Multiplier | Student Generated | Multiplier | Student Generated | Multiplier | Student Generated |
| 146 | x0.065= | 9.49 | x0.036= | 5.26 | x0.051= | 7.45 |

City/County Use Only: File # _____

☐ Approved - Sufficient to forward to the School Board of Charlotte County

☐ Denied - _____

By: _____ Date: _____

Revised July 13, 2016

North Jones Loop Property

Banks Engineering Job Number 4507

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF CHARLOTTE, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING A PORTION OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3642, PAGE 473, CHARLOTTE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AS DEPICTED IN CERTIFIED CORNER OF RECORD DOCUMENT #104923; THENCE N.00°33'07"E. ALONG THE EAST LINE OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AND THE CENTERLINE OF INDIAN SPRINGS CEMETERY ROAD (66 FEET WIDE) (FOR THE BASIS OF BEARINGS) FOR 85.00 FEET; THENCE N.89°06'52"W. FOR 33.00 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF SAID INDIAN SPRINGS CEMETERY ROAD AND THE NORTHERLY RIGHT-OF-WAY LINE OF JONES LOOP ROAD; THENCE N.00°33'07"E. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 350.00 FEET TO THE POINT OF BEGINNING; THENCE N.89°06'52"W. FOR 1382.16 FEET; THENCE N.00°53'08"E. FOR 534.69 FEET TO THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 468, PAGE 358, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE N.54°10'52"E. ALONG SAID SOUTHERLY LINE AND THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1826, PAGE 3, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA FOR 1132.08 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF TAYLOR ROAD (A/K/A COUNTY ROAD 765-A) (90 FEET WIDE) AS DEPICTED ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 0153-150; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES: THENCE S.41°35'32"E. FOR 206.81 FEET; THENCE S.41°29'56"E. FOR 490.77 FEET TO THE INTERSECTION OF SAID SOUTHWESTERLY RIGHT-OF-WAY WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID INDIAN SPRINGS CEMETERY ROAD; THENCE S.00°33'07"W. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 696.31 FEET TO THE POINT OF BEGINNING.

North Jones Loop Property

Banks Engineering Job Number 4507

LEGAL DESCRIPTION

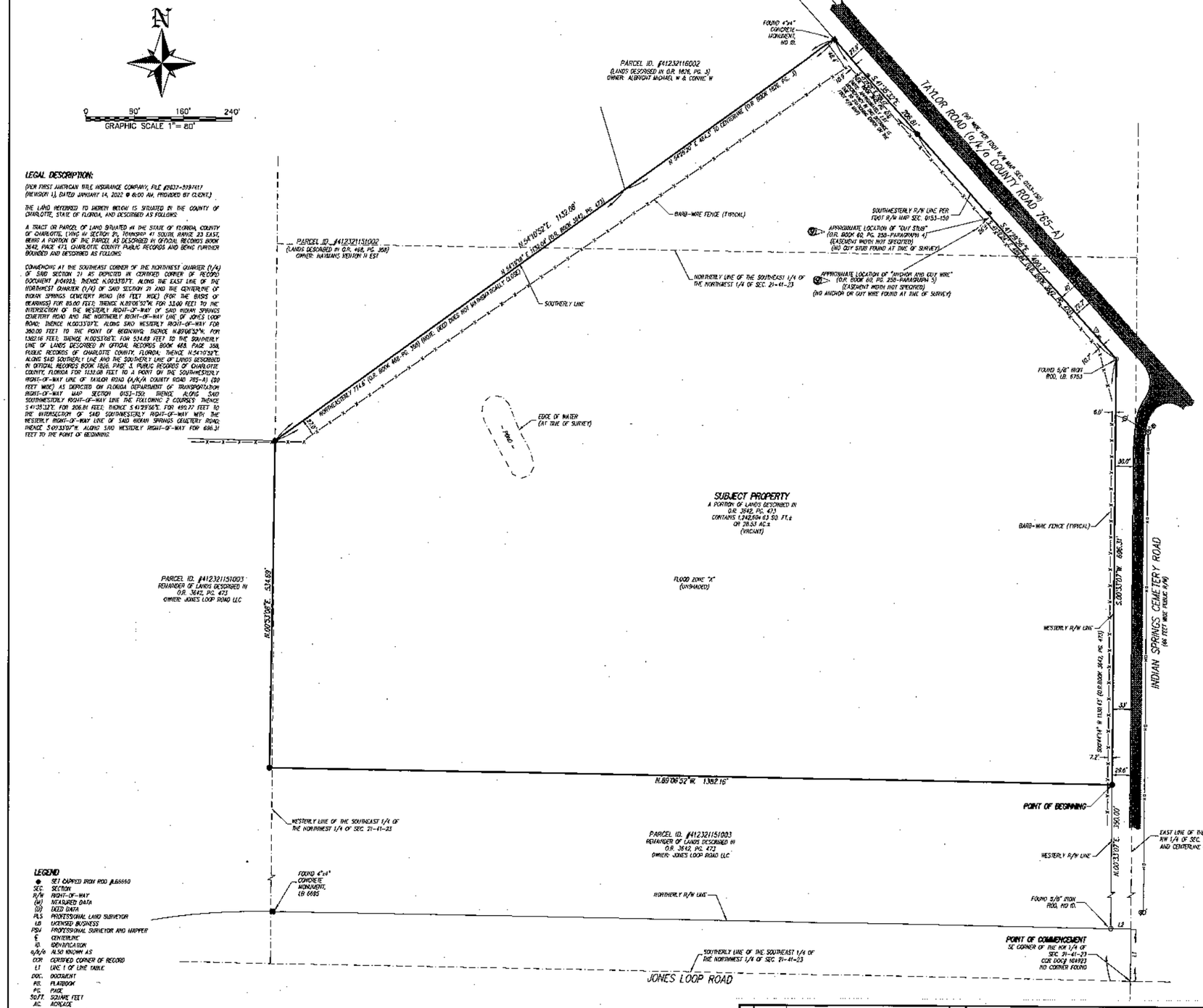
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF CHARLOTTE, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING A PORTION OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3642, PAGE 473, CHARLOTTE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AS DEPICTED IN CERTIFIED CORNER OF RECORD DOCUMENT #104923; THENCE N.00°33'07"E. ALONG THE EAST LINE OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AND THE CENTERLINE OF INDIAN SPRINGS CEMETERY ROAD (66 FEET WIDE) (FOR THE BASIS OF BEARINGS) FOR 85.00 FEET; THENCE N.89°06'52"W. FOR 33.00 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF SAID INDIAN SPRINGS CEMETERY ROAD AND THE NORTHERLY RIGHT-OF-WAY LINE OF JONES LOOP ROAD; THENCE N.00°33'07"E. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 350.00 FEET TO THE POINT OF BEGINNING; THENCE N.89°06'52"W. FOR 1382.16 FEET; THENCE N.00°53'08"E. FOR 534.69 FEET TO THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 468, PAGE 358, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE N.54°10'52"E. ALONG SAID SOUTHERLY LINE AND THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1826, PAGE 3, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA FOR 1132.08 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF TAYLOR ROAD (A/K/A COUNTY ROAD 765-A) (90 FEET WIDE) AS DEPICTED ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 0153-150; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES: THENCE S.41°35'32"E. FOR 206.81 FEET; THENCE S.41°29'56"E. FOR 490.77 FEET TO THE INTERSECTION OF SAID SOUTHWESTERLY RIGHT-OF-WAY WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID INDIAN SPRINGS CEMETERY ROAD; THENCE S.00°33'07"W. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 696.31 FEET TO THE POINT OF BEGINNING.

# SURVEY PLAT

OF A PARCEL OF LAND LYING IN
SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST,
CHARLOTTE COUNTY, FLORIDA




## LEGAL DESCRIPTION:

(PER FIRST AMERICAN TITLE INSURANCE COMPANY, FILE #2037-5797417 (REVISION 1), DATED JANUARY 14, 2022 @ 8:00 AM, PROVIDED BY CLIENT.)

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF CHARLOTTE, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING A PORTION OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3842 PAGE 473, CHARLOTTE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AS DEPICTED IN CERTIFIED CORNER OF RECORD DOCUMENT #104923; THENCE N.00°33'07"E. ALONG THE EAST LINE OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AND THE CENTERLINE OF INDIAN SPRINGS CEMETERY ROAD (66 FEET WIDE) (FOR THE BASIS OF BEARINGS) FOR 85.00 FEET; THENCE N.89°08'52"W. FOR 33.00 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF SAID INDIAN SPRINGS CEMETERY ROAD AND THE NORTHERLY RIGHT-OF-WAY LINE OF JONES LOOP ROAD; THENCE N.00°33'07"E. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 350.00 FEET TO THE POINT OF BEGINNING; THENCE N.89°08'52"W. FOR 1,382.16 FEET; THENCE N.00°33'07"E. FOR 534.69 FEET TO THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 468, PAGE 358, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE N.54°10'32"E. ALONG SAID SOUTHERLY LINE AND THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1826, PAGE 3, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA FOR 1,152.08 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF TAYLOR ROAD (A/K/A COUNTY ROAD 765-A) (80 FEET WIDE) AS DEPICTED ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 0153-152; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES: THENCE S.41°35'12"E. FOR 206.81 FEET; THENCE S.41°29'56"E. FOR 695.77 FEET TO THE INTERSECTION OF SAID SOUTHWESTERLY RIGHT-OF-WAY WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID INDIAN SPRINGS CEMETERY ROAD; THENCE S.00°33'07"W. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 696.31 FEET TO THE POINT OF BEGINNING.

## B-II EXCEPTIONS:

(PER FIRST AMERICAN TITLE INSURANCE COMPANY, FILE #2037-5797417 (REVISION 1), DATED JANUARY 14, 2022 @ 8:00 AM, PROVIDED BY CLIENT.)

1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.
2. ANY RIGHTS, INTERESTS OR CLAIMS OF PARTIES IN POSSESSION OF THE LAND NOT SHOWN BY THE PUBLIC RECORDS.
3. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.
4. ANY LIEN, FOR SERVICES, LABOR, OR MATERIALS IN CONNECTION WITH IMPROVEMENTS, REPAIRS OR RENOVATIONS PROVIDED BEFORE, ON, OR AFTER DATE OF POLICY, NOT SHOWN BY THE PUBLIC RECORDS.
5. ANY DISPUTE AS TO THE BOUNDARIES CAUSED BY A CHANGE IN THE LOCATION OF ANY WATER BODY WITHIN OR ADJACENT TO THE LAND PRIOR TO DATE OF POLICY, AND ANY ADVERSE CLAIM TO ALL OR PART OF THE LAND THAT IS, AT DATE OF POLICY, OR WAS PREVIOUSLY UNDER WATER.
6. TAXES OR SPECIAL ASSESSMENTS NOT SHOWN AS LIENS IN THE PUBLIC RECORDS OR IN THE RECORDS OF THE LOCAL TAX COLLECTING AUTHORITY, AT DATE OF POLICY.
7. ANY MINERALS OR MINERAL RIGHTS LEASED, GRANTED OR RETAINED BY CURRENT OR PRIOR OWNERS.
8. TAXES AND ASSESSMENTS FOR THE YEAR 2022 AND SUBSEQUENT YEARS, WHICH ARE NOT YET DUE AND PAYABLE.
9. EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT COMPANY RECORDED JULY 1, 1959 IN BOOK 60, PAGE 250. ONLY FEATURES DESCRIBED IN PARAGRAPHS 4&5 OF DOCUMENT PLOT ON THE SUBJECT PROPERTY
10. INTENTIONALLY DELETED.
11. INTENTIONALLY DELETED.
12. CITY OF PUNTA GORDA ORDINANCE NO. 1786-14 RECORDED JULY 10, 2014 IN BOOK 3885, PAGE 1931, AS AMENDED IN CITY OF PUNTA GORDA RECORDED INSTRUMENT NUMBER 2015 IN BOOK 4031, PAGE 1597. NO PLOTTABLE EASEMENTS
13. CITY OF PUNTA GORDA ORDINANCE NO. 1793-14 RECORDED AUGUST 25, 2014 IN BOOK 3895, PAGE 923. NO PLOTTABLE EASEMENTS
14. RIPARIAN AND/OR LITTORAL RIGHTS ARE NOT INSURED.
15. TERMS AND CONDITIONS OF ANY EXISTING UNRECORDED LEASE(S), AND ALL RIGHTS OF LESSEE(S) AND ANY PARTIES CLAIMING THROUGH THE LESSEE(S) UNDER THE LEASE(S).

## NOTES:

THIS SURVEY PLAT IS PREPARED AS A BOUNDARY & TOPOGRAPHIC SURVEY AND IS NOT INTENDED TO DELINEATE ANY WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITATS, OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

BEARINGS ARE BASED ON "THE STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT - EPOCH 2010) AND WERE DERIVED FROM THE FLORIDA PERMANENT REFERENCE NETWORK, SITE CODE "PHIA," WHEREIN THE EAST OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST BEARS N.00°33'07"E.

BEARINGS AND DISTANCES AS SHOWN ON THE PARCEL BOUNDARY ARE MEASURED UNLESS OTHERWISE INDICATED.

ALL DISTANCES AS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

THE SUBJECT PARCEL AS SHOWN HEREON IS LOCATED ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP 12015C0244J, EFFECTIVE MAY 05, 2009. THE SUBJECT PARCEL LIES WITHIN FLOOD ZONE FLOOD ZONE X (UNSHADED) (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).

FLOOD ZONE DETERMINATION AS SHOWN HEREIN IS FOR INFORMATIONAL PURPOSES ONLY. FEMA RELATED INFORMATION SHOULD BE VERIFIED WITH FEMA OR THE APPROPRIATE GOVERNING AUTHORITY BEFORE USE.

ALL PLAT BOOKS AND OFFICIAL RECORD BOOKS SHOWN AND DESCRIBED ON THIS SURVEY PLAT ARE RECORDED IN THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

UNDERGROUND IMPROVEMENTS, IF ANY, NOT LOCATED.

SUBJECT PROPERTY CONTAINS 1,242,604.63 SQUARE FEET, MORE OR LESS (28.53 ACRES, MORE OR LESS).

LAST DATE OF FIELD WORK: 11-15-2021

PER TABLE "A" No. 2: NO ADDRESS ASSIGNED TO SUBJECT PROPERTY AT TIME OF SURVEY.

PER TABLE "A" No. 6(a): NO ZONING REPORT PROVIDED BY CLIENT.

PER TABLE "A" No. 7(a): NO BUILDINGS LOCATED ON SUBJECT PROPERTY AT TIME OF SURVEY.

PER TABLE "A" No. 9: NO PARKING LOCATED ON SUBJECT PROPERTY AT TIME OF SURVEY.

## LEGEND

| | |
|---|---|
| ● | SET CAPPED IRON ROD LB6660 |
| SEC. | SECTION |
| R/W | RIGHT-OF-WAY |
| (M) | MEASURED DATA |
| (D) | DEED DATA |
| PLS | PROFESSIONAL LAND SURVEYOR |
| LB | LICENSED BUSINESS |
| PSM | PROFESSIONAL SURVEYOR AND MAPPER |
| ℄ | CENTERLINE |
| ID | IDENTIFICATION |
| a/k/a | ALSO KNOWN AS |
| CCR | CERTIFIED CORNER OF RECORD |
| L1 | LINE 1 OF LINE TABLE |
| DOC. | DOCUMENT |
| PG. | PLAT BOOK |
| PG. | PAGE |
| SQ.FT. | SQUARE FEET |
| AC. | ACREAGE |
| ± | PLUS OR MINUS |
| FDOT | FLORIDA DEPARTMENT OF TRANSPORTATION |
| | WOOD UTILITY POLE |
| | GUY ANCHOR |
| | CABLE SERVICE BOX |
| | OVERHEAD UTILITIES |
| | FIBER OPTIC RISER |
| | TELEPHONE RISER |
| | B-II EXCEPTION |

## LINE TABLE

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | N.00°33'07"E. | 85.00' |
| L2 | N.89°08'52"W. | 33.00' |

## SURVEYOR'S CERTIFICATION:

TO: JONES LOOP ROAD LLC, A DELAWARE LIMITED LIABILITY COMPANY
D.R. HORTON, INC., A DELAWARE CORPORATION
NELSON MULLINS RILEY & SCARBOROUGH LLP
FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 7(a), 8, 9, 13, 19 AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 11/15/2021.

ELECTRONICALLY SIGNED BY C. DEREK BANKS

Date: 2022.03.09 13:11:58 -05'00'

- I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, THAT THIS PLAT OF THE HEREIN DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER: 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON.
- IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM OF ENCUMBRANCES.

| NO. | DATE | REVISION DESCRIPTION | BY |
|---|---|---|---|
| 2 | 02/09/04 | REV. PER ATTORNEY COMMENTS | CDB |
| 1 | 02/04/22 | REV. PER EMAIL DATED 1/31/22 | CDB |


BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

4151 TAMIAMI TRAIL - BLDG 5 UNIT 501
PORT CHARLOTTE, FLORIDA 33952
PHONE: (941) 625-1185 FAX: (941) 625-1149

ENGINEERING LICENSE # EB 6489
SURVEY LICENSE # LB 6660

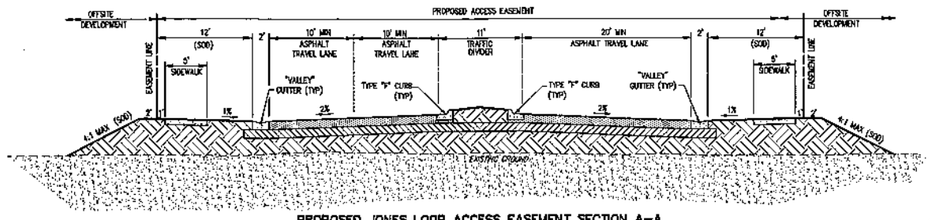
WWW.BANKSENG.COM


ALTA/NSPS LAND TITLE SURVEY

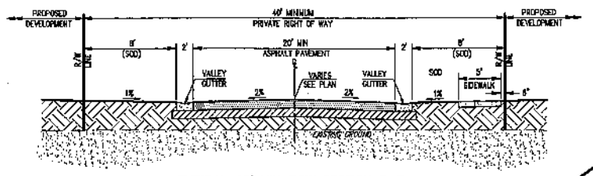
# JONES LOOP PROPERTY

CHARLOTTE COUNTY, FLORIDA

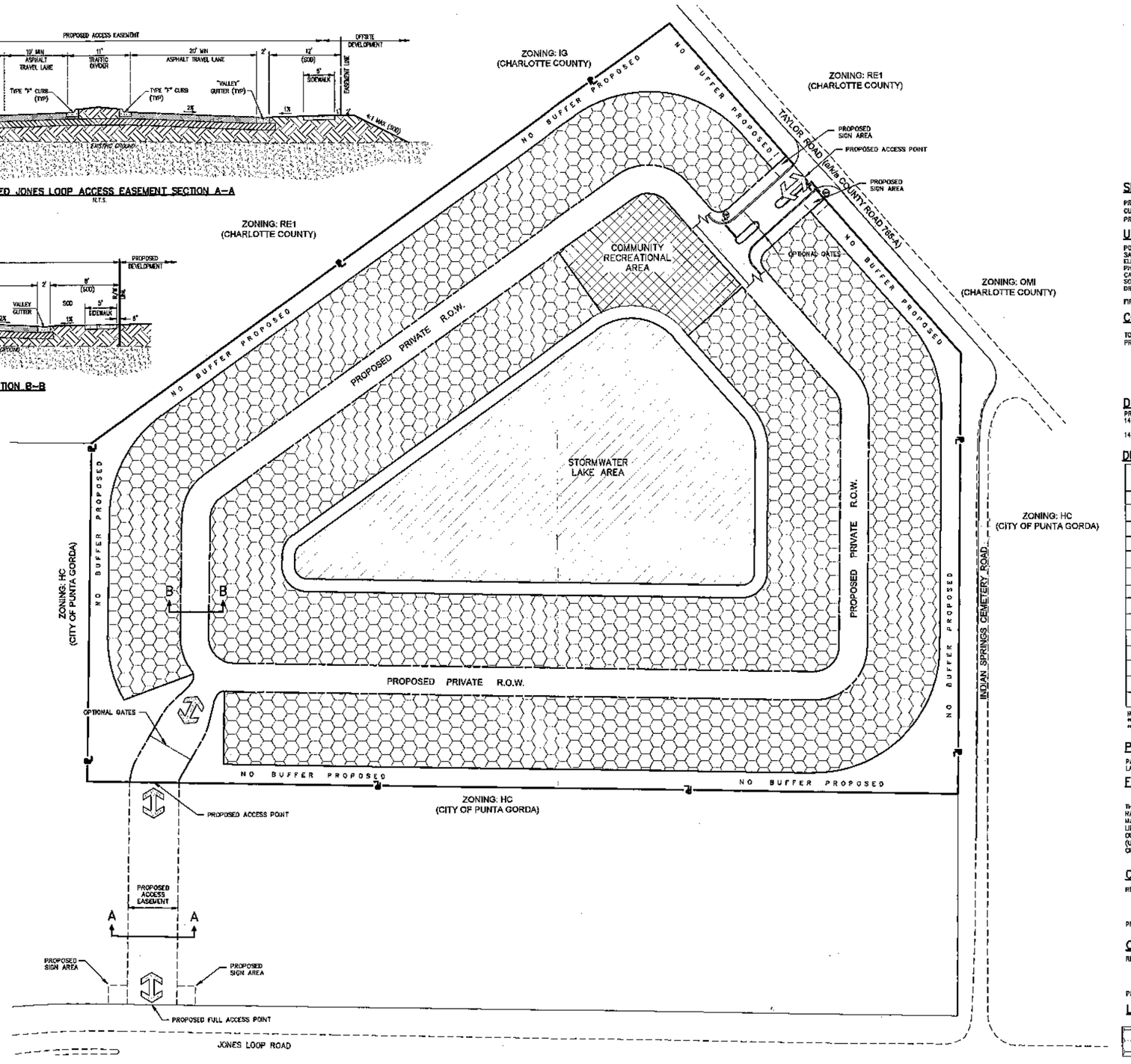
| DATE | PROJECT | DRAWING | DESIGN | DRAWN | CHECKED | SCALE | SHEET |
|---|---|---|---|---|---|---|---|
| 1/31/22 | 4436 | 4436-P2-ALTA | | JS | CDB | 1"=80' | 1 of 1 |

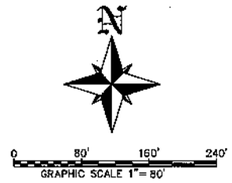



PROPOSED JONES LOOP ACCESS EASEMENT SECTION A-A
N.T.S.




TYPICAL 40' MIN ROW SECTION B-B
N.T.S.




## SITE DATA TABLE:

| | |
|---|---|
| PROPERTY AREA: | 28.53 AC. |
| CURRENT ZONING: | (HC) HIGHWAY COMMERCIAL |
| PROPOSED ZONING: | (PDN) PLANNED DEVELOPMENT NEIGHBORHOODS |

## UTILITY PROVIDERS:

| | |
|---|---|
| POTABLE WATER: | CITY OF PUNTA GORDA UTILITIES |
| SANITARY SEWER: | CITY OF PUNTA GORDA UTILITIES |
| ELECTRIC: | FLORIDA POWER & LIGHT |
| PHONE: | CENTURYLINK |
| CABLE: | COMCAST |
| SOLID WASTE DISPOSAL: | CITY OF PUNTA GORDA |
| DRAINAGE: | STORM WATER MANAGEMENT SYSTEM TO MEET CITY & & SWFWMD RULES & REQUIREMENTS |
| FIRE PROTECTION: | CITY OF PUNTA GORDA FIRE |

## CONCEPT PLAN DATA:

| | | |
|---|---|---|
| TOTAL PROPERTY ACREAGE: | 28.53 AC | |
| PROPOSED PDN AREA: | 28.53 AC | (100.0%) |
| RESIDENTIAL LOT AREA: | 16.42 AC | (57.5%) |
| STORM WATER LAKE AREA: | 4.45 AC | (15.6%) |
| COMMUNITY RECREATIONAL AREA: | 0.68 AC | (2.4%) |
| RIGHT-OF-WAY AREA: | 3.73 AC | (13.1%) |
| COMMON OPEN SPACE AREA: | 3.25 AC | (11.4%) |

## DENSITY CALCULATION:

PROPOSED RESIDENTIAL DENSITY
146 SINGLE FAMILY UNITS

146 UNITS ÷ 28.53 AC = 5.12 UNITS/ACRE

## DEVELOPMENT STANDARDS:

| DESCRIPTION | SINGLE FAMILY DETACHED | SINGLE FAMILY ATTACHED VILLAS |
|---|---|---|
| MIN. LOT REQUIREMENT (SQ. FT.) | 5,000 | 3,000 |
| MAX. PERCENTAGE OF LOT COVERAGE (%) | 60 | 70 |
| MIN. WIDTH (FT.) | 50 | 30 |
| MIN. FRONT YARD (FT.) | 20 | 20 |
| MIN. SIDE YARD INTERIOR (FT.) | 5 | 5/0** |
| MIN. SIDE YARD ABUTTING A ROAD (FT.) | 10 | 10 |
| MAX. BUILDING HEIGHT (FT.) | 38 | 38 |
| MIN. REAR YARD ABUTTING A LOT (FT.) | 10 | 10 |
| MIN. REAR YARD ABUTTING WATER (FT.)*** | 15 | 15 |
| MIN. REAR YARD ABUTTING A ROAD (FT.) | 15 | 15 |
| SETBACK FOR ACCESSORY STRUCTURE FROM REAR LOT LINE (FT.) | 5 | 5 |
| SETBACK FOR ACCESSORY STRUCTURE FROM SIDE YARD (FT.) | SAME AS PRINCIPAL BUILDING | |
| SETBACK FOR ACCESSORY STRUCTURE ABUTTING A ROAD (FT.) | 10 | 10 |
| SETBACK FOR ACCESSORY STRUCTURE ABUTTING WATER (FT.)*** | SAME AS PRINCIPAL BUILDING | |

NOTE:
** SINGLE FAMILY ATTACHED WILL HAVE 0' SIDE SETBACK ON ONE SIDE.
*** PROPOSED SETBACK IS FROM SEASONAL HIGH WATER LINE OF LAKE.

## PARKING STANDARDS:

PARKING IS PROPOSED TO MEET CITY OF PUNTA GORDA LAND DEVELOPMENT CODE AND WILL BE PROVIDED AT FINAL DRC.

## FLOOD ZONE INFO:

THE SUBJECT PARCEL AS SHOWN HEREON IS LOCATED ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP 12015C0244F, EFFECTIVE MAY 05, 2003, THE SUBJECT PARCEL LIES WITHIN FLOOD ZONE X (UNSHADED) (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), FLOOD ZONE X (UNSHADED)(AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).

## COMMUNITY RECREATIONAL AREA:

REQUIRED COMMUNITY RECREATIONAL AREA
0.25 AC PER 100 UNITS
= 0.25 AC X 1.46 (100 UNITS)
= 0.37 AC

PROVIDED COMMUNITY RECREATIONAL AREA = 0.68 AC

## OPEN SPACE AREA:

REQUIRED OPEN SPACE AREA
0.25 AC PER 100 UNITS
= 0.25 AC X 1.46 (100 UNITS)
= 0.37 AC

PROVIDED OPEN SPACE AREA = 3.25 AC

## LEGEND:

RESIDENTIAL LOT AREA

SEA COVE SUBDIVISION

PREPARED FOR:
D.R. HORTON, INC.
10541 SIX MILE CYPRESS PKWY.
FORT MYERS, FL. 33966
(239) 225-2600

ALL ELEVATIONS ON CIVIL ENGINEERING PLANS REFERENCE: NAVD88

| NO. | DATE | REVISION DESCRIPTION | BY |
|---|---|---|---|

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving the State Of Florida
4161 TAMIAMI TRAIL – BLDG 6 UNIT 601
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PHONE: (941) 625-1165 FAX: (941) 625-1149
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
www.BANKSENG.COM

Digitally signed by STEVEN SONBERG
Date: 2022.07.27 09:27:57 -04'00'
STEVEN R. SONBERG, P.E., P.S.M.
FL LIC #92103

PLANNED DEVELOPMENT CONCEPTUAL SITE PLAN
# NORTH JONES LOOP PROPERTY
CHARLOTTE COUNTY, FLORIDA

| DATE | PROJECT | DRAWING | DESIGN | DRAWN | CHECKED | SCALE | SHEET |
|---|---|---|---|---|---|---|---|
| 06-30-22 | 4507 | SP-05 | TRR | GAE | SRS | 1"=80' | 1 |

CITY OF PUNTA GORDA

ORDINANCE NO. _____-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, REZONING PROPERTY ADDRESSED AS 9298 MACEVER STREET, CONTAINING 28.53 +/- ACRES, A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING A PORTION OF THE PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 3642, PAGE 473, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, AND BEING FURTHER BOUNDED AND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN; FROM HIGHWAY COMMERCIAL (HC) TO PLANNED DEVELOPMENT NEIGHBORHOOD (PDN); PROVIDING FOR CERTAIN MODIFICATIONS TO THE REGULATIONS APPLICABLE TO THE PLANNED DEVELOPMENT NEIGHBORHOOD ZONING CLASSIFICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Geri Waksler, Agent for Jones Loop Road, LLC, Property Owner, (hereinafter referred to as "Petitioner") has filed with the City of Punta Gorda a petition to rezone the property that is addressed as 9298 Mac Ever Street, and more particularly described in Exhibit "A" attached hereto and incorporated herein, (hereinafter referred to as "The Property"); and

WHEREAS, the property is a total of approximately 28.53 +/- acres and meets the minimum site area for a Planned Development Neighborhood (PDN); and

WHEREAS, the subject property was annexed into the City of Punta Gorda upon the adoption of Ordinance 1786-14 on July 2, 2014; and

WHEREAS, the intent of the Planned Development Neighborhood (PDN) zoning classification is to encourage the development of a mixture of housing types and price ranges and to promote the organization of residential development into efficient neighborhoods with appropriate supportive community facilities and services; and

WHEREAS, the overall development will contain a variety of residential and commercial opportunities along both sides of Jones Loop Road; and

WHEREAS, the proposed uses, development standards and Planned Development Neighborhood (PDN) zoning classification are compatible with the surrounding properties and adjoining uses; and

WHEREAS, pursuant to the provisions of Section 163.3194(1), Florida Statutes, the Planning Commission, serving as the Local Planning Agency for the City of Punta Gorda, Florida, has reviewed the amendment proposed herein, and has found said amendment to be consistent with the adopted Comprehensive Plan of the City of Punta Gorda.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA THAT:

I. The parcels of land being bounded and described in Exhibit "A" attached hereto and incorporated herein; are hereby rezoned from Highway Commercial (HC) to Planned Development Neighborhood (PDN).

II. Except as limited by the approved concept site plan, those uses and development standards for the Planned Development Neighborhood (PDN) as called out in Chapter 26 Land Development Regulations, Section 5.6 Planned Development Neighborhood, Punta Gorda Code, shall be permitted.

III. The Planned Development Neighborhood (PDN) proposing up to 146 detached single-family homes and/or attached single-family villas, a community recreation area, and a stormwater management system, as depicted on the conceptual site plan, Exhibit "B", attached hereto and incorporated herein, is hereby approved.

IV. The property within the Loop Municipal Service Area is entitled to a maximum of 450 density units pursuant to the Interlocal Agreement, dated October 16, 2013. This project utilizes 146 density units. A Transfer of Density Units is required to be approved and certificated through the Charlotte County TDU program.

V. The Official Zoning Map of the City of Punta Gorda, Florida shall be revised to reflect the changes approved by this Ordinance.

IV. It is the declared intent of the City Council that if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

V. Any ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

VI. This ordinance shall take effect immediately upon its adoption.

ADOPTED, after second reading, in regular session of the City Council of the City of Punta Gorda, Florida, this _____ day of _____, 2023.

_____
LYNNE R. MATTHEWS, Mayor

ATTEST:

_____
KAREN SMITH, City Clerk

APPROVED AS TO FORM:

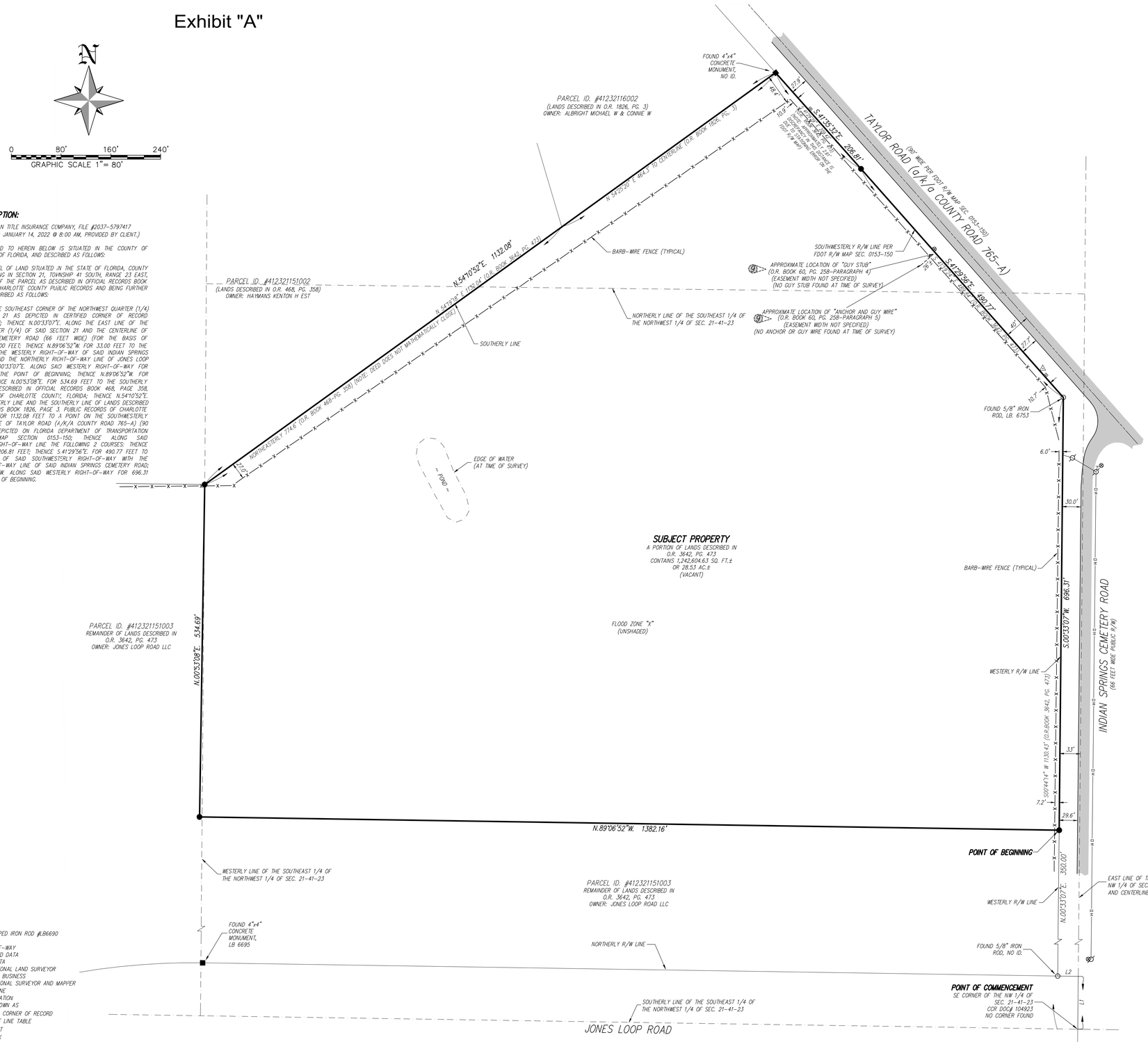
_____
DAVID M. LEVIN, City Attorney

**Exhibit “A” to Ordinance**
**Legal Description**

# Exhibit "A"

# SURVEY PLAT

OF A PARCEL OF LAND LYING IN
SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST,
CHARLOTTE COUNTY, FLORIDA




## LEGAL DESCRIPTION:

(PER FIRST AMERICAN TITLE INSURANCE COMPANY, FILE #2037-5797417 (REVISION 1), DATED JANUARY 14, 2022 @ 8:00 AM, PROVIDED BY CLIENT.)

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF CHARLOTTE, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING A PORTION OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3642, PAGE 473, CHARLOTTE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AS DEPICTED IN CERTIFIED CORNER OF RECORD DOCUMENT #104923; THENCE N.00°33'07"E. ALONG THE EAST LINE OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AND THE CENTERLINE OF INDIAN SPRINGS CEMETERY ROAD (66 FEET WIDE) (FOR THE BASIS OF BEARINGS) FOR 85.00 FEET; THENCE N.89°06'52"W. FOR 33.00 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF SAID INDIAN SPRINGS CEMETERY ROAD AND THE NORTHERLY RIGHT-OF-WAY LINE OF JONES LOOP ROAD; THENCE N.00°33'07"E. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 350.00 FEET TO THE POINT OF BEGINNING; THENCE N.89°06'52"W. FOR 1,382.16 FEET; THENCE N.00°53'08"E. FOR 534.69 FEET TO THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 468, PAGE 358, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE N.54°10'52"E. ALONG SAID SOUTHERLY LINE AND THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1826, PAGE 3, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA FOR 1,132.08 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF TAYLOR ROAD (A/K/A COUNTY ROAD 765-A) (90 FEET WIDE) AS DEPICTED ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 0153-150; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES: THENCE S.41°35'32"E. FOR 206.81 FEET; THENCE S.41°29'56"E. FOR 490.77 FEET TO THE INTERSECTION OF SAID SOUTHWESTERLY RIGHT-OF-WAY WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID INDIAN SPRINGS CEMETERY ROAD; THENCE S.00°33'07"W. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 696.31 FEET TO THE POINT OF BEGINNING.

## B-II EXCEPTIONS:

(PER FIRST AMERICAN TITLE INSURANCE COMPANY, FILE #2037-5797417 (REVISION 1), DATED JANUARY 14, 2022 @ 8:00 AM, PROVIDED BY CLIENT.)

1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.
2. ANY RIGHTS, INTERESTS, OR CLAIMS OF PARTIES IN POSSESSION OF THE LAND NOT SHOWN BY THE PUBLIC RECORDS.
3. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.
4. ANY LIEN, FOR SERVICES, LABOR, OR MATERIALS IN CONNECTION WITH IMPROVEMENTS, REPAIRS OR RENOVATIONS PROVIDED BEFORE, ON, OR AFTER DATE OF POLICY, NOT SHOWN BY THE PUBLIC RECORDS.
5. ANY DISPUTE AS TO THE BOUNDARIES CAUSED BY A CHANGE IN THE LOCATION OF ANY WATER BODY WITHIN OR ADJACENT TO THE LAND PRIOR TO DATE OF POLICY, AND ANY ADVERSE CLAIM TO ALL OR PART OF THE LAND THAT IS, AT DATE OF POLICY, OR WAS PREVIOUSLY UNDER WATER.
6. TAXES OR SPECIAL ASSESSMENTS NOT SHOWN AS LIENS IN THE PUBLIC RECORDS OR IN THE RECORDS OF THE LOCAL TAX COLLECTING AUTHORITY, AT DATE OF POLICY.
7. ANY MINERALS OR MINERAL RIGHTS LEASED, GRANTED OR RETAINED BY CURRENT OR PRIOR OWNERS.
8. TAXES AND ASSESSMENTS FOR THE YEAR 2022 AND SUBSEQUENT YEARS, WHICH ARE NOT YET DUE AND PAYABLE.
9. EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT COMPANY RECORDED JULY 1, 1959 IN BOOK 60, PAGE 258. **ONLY FEATURES DESCRIBED IN PARAGRAPHS 4&5 OF DOCUMENT PLOT ON THE SUBJECT PROPERTY**
10. INTENTIONALLY DELETED.
11. INTENTIONALLY DELETED.
12. CITY OF PUNTA GORDA ORDINANCE NO. 1786-14 RECORDED JULY 10, 2014 IN BOOK 3883, PAGE 1921, AS AMENDED IN CITY OF PUNTA GORDA RECORDED NOVEMBER 25, 2015 IN BOOK 4031, PAGE 1597. **NO PLOTTABLE EASEMENTS**
13. CITY OF PUNTA GORDA ORDINANCE NO. 1793-14 RECORDED AUGUST 25, 2014 IN BOOK 3895, PAGE 923. **NO PLOTTABLE EASEMENTS**
14. RIPARIAN AND/OR LITTORAL RIGHTS ARE NOT INSURED.
15. TERMS AND CONDITIONS OF ANY EXISTING UNRECORDED LEASE(S), AND ALL RIGHTS OF LESSEE(S) AND ANY PARTIES CLAIMING THROUGH THE LESSEE(S) UNDER THE LEASE(S).

## NOTES:

THIS SURVEY PLAT IS PREPARED AS A BOUNDARY & TOPOGRAPHIC SURVEY AND IS NOT INTENDED TO DELINEATE ANY WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITATS, OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

BEARINGS ARE BASED ON "THE STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT – EPOCH 2010) AND WERE DERIVED FROM THE FLORIDA PERMANENT REFERENCE NETWORK, SITE CODE "PNTA". WHEREIN THE EAST OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST BEARS N.00°33'07"E.

BEARINGS AND DISTANCES AS SHOWN ON THE PARCEL BOUNDARY ARE MEASURED UNLESS OTHERWISE INDICATED.

ALL DISTANCES AS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

THE SUBJECT PARCEL AS SHOWN HEREON IS LOCATED ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP 12015C0244F, EFFECTIVE MAY 05, 2003, THE SUBJECT PARCEL LIES WITHIN FLOOD ZONE FLOOD ZONE X (UNSHADED) (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).

FLOOD ZONE DETERMINATION AS SHOWN HEREIN IS FOR INFORMATIONAL PURPOSES ONLY. FEMA RELATED INFORMATION SHOULD BE VERIFIED WITH FEMA OR THE APPROPRIATE GOVERNING AUTHORITY BEFORE USE.

ALL PLAT BOOKS AND OFFICIAL RECORD BOOKS SHOWN AND DESCRIBED ON THIS SURVEY PLAT ARE RECORDED IN THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

UNDERGROUND IMPROVEMENTS, IF ANY, NOT LOCATED.

SUBJECT PROPERTY CONTAINS 1,242,604.63 SQUARE FEET, MORE OR LESS (28.53 ACRES, MORE OR LESS).

LAST DATE OF FIELD WORK: 11-15-2021

PER TABLE "A" No. 2: NO ADDRESS ASSIGNED TO SUBJECT PROPERTY AT TIME OF SURVEY.

PER TABLE "A" No. 6(a): NO ZONING REPORT PROVIDED BY CLIENT.

PER TABLE "A" No. 7(a): NO BUILDINGS LOCATED ON SUBJECT PROPERTY AT TIME OF SURVEY.

PER TABLE "A" No. 9: NO PARKING LOCATED ON SUBJECT PROPERTY AT TIME OF SURVEY.

## SURVEYOR'S CERTIFICATION:

TO: JONES LOOP ROAD LLC, A DELAWARE LIMITED LIABILITY COMPANY
D.R. HORTON, INC., A DELAWARE CORPORATION
NELSON MULLINS RILEY & SCARBOROUGH LLP
FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 7(a), 8, 9, 13, 19 AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 11/15/2021.

– I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, THAT THIS PLAT OF THE HEREON DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER: 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
– ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
– THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON.
– IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM OF EMCUMBRANCES.

## LEGEND

| | |
|---|---|
| ● | SET CAPPED IRON ROD #LB6690 |
| SEC. | SECTION |
| R/W | RIGHT-OF-WAY |
| (M) | MEASURED DATA |
| (D) | DEED DATA |
| PLS | PROFESSIONAL LAND SURVEYOR |
| LB | LICENSED BUSINESS |
| PSM | PROFESSIONAL SURVEYOR AND MAPPER |
| ℄ | CENTERLINE |
| ID. | IDENTIFICATION |
| a/k/a | ALSO KNOWN AS |
| CCR | CERTIFIED CORNER OF RECORD |
| L1 | LINE 1 OF LINE TABLE |
| DOC. | DOCUMENT |
| PB. | PLATBOOK |
| PG. | PAGE |
| SQ.FT. | SQUARE FEET |
| AC. | ACREAGE |
| ± | PLUS OR MINUS |
| FDOT | FLORIDA DEPARTMENT OF TRANSPORTATION |
| ⌀ | WOOD UTILITY POLE |
| ⟵ | GUY ANCHOR |
| ⊗ | CABLE SERVICE BOX |
| –o– | OVERHEAD UTILITIES |
| △ | FIBER OPTIC RISER |
| ⊗ | TELEPHONE RISER |
| (B)=> | B-II EXCEPTION |

## LINE TABLE

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | N.00°33'07"E. | 85.00' |
| L2 | N.89°06'52"W. | 33.00' |

| NO. | DATE | REVISION DESCRIPTION | BY |
|---|---|---|---|
| 2 | 02/09/04 | REV. PER ATTORNEY COMMENTS | CDB |
| 1 | 02/04/22 | REV. PER EMAIL DATED 1/31/22 | CDB |


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SURVEY LICENSE # LB 6690

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ALTA/NSPS LAND TITLE SURVEY

# JONES LOOP PROPERTY

CHARLOTTE COUNTY, FLORIDA

| DATE | PROJECT | DRAWING | DESIGN | DRAWN | CHECKED | SCALE | SHEET |
|---|---|---|---|---|---|---|---|
| 1/31/22 | 4438 | 4438-P2-ALTA | | JS | CDB | 1"=80' | 1 of 1 |

# Exhibit "A"

North Jones Loop Property

Banks Engineering Job Number 4507

LEGAL DESCRIPTION

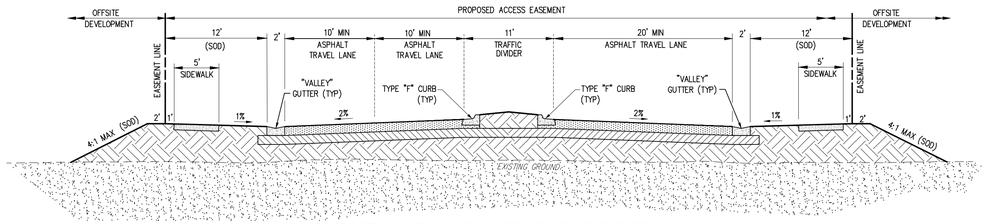
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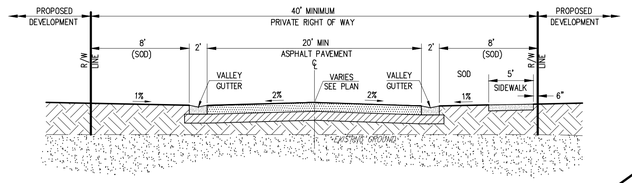
COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AS DEPICTED IN CERTIFIED CORNER OF RECORD DOCUMENT #104923; THENCE N.00°33'07"E. ALONG THE EAST LINE OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 21 AND THE CENTERLINE OF INDIAN SPRINGS CEMETERY ROAD (66 FEET WIDE) (FOR THE BASIS OF BEARINGS) FOR 85.00 FEET; THENCE N.89°06'52"W. FOR 33.00 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF SAID INDIAN SPRINGS CEMETERY ROAD AND THE NORTHERLY RIGHT-OF-WAY LINE OF JONES LOOP ROAD; THENCE N.00°33'07"E. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 350.00 FEET TO THE POINT OF BEGINNING; THENCE N.89°06'52"W. FOR 1382.16 FEET; THENCE N.00°53'08"E. FOR 534.69 FEET TO THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 468, PAGE 358, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE N.54°10'52"E. ALONG SAID SOUTHERLY LINE AND THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1826, PAGE 3, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA FOR 1132.08 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF TAYLOR ROAD (A/K/A COUNTY ROAD 765-A) (90 FEET WIDE) AS DEPICTED ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 0153-150; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES: THENCE S.41°35'32"E. FOR 206.81 FEET; THENCE S.41°29'56"E. FOR 490.77 FEET TO THE INTERSECTION OF SAID SOUTHWESTERLY RIGHT-OF-WAY WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID INDIAN SPRINGS CEMETERY ROAD; THENCE S.00°33'07"W. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 696.31 FEET TO THE POINT OF BEGINNING.

**Exhibit “B” to Ordinance**
**Conceptual Site Plan**

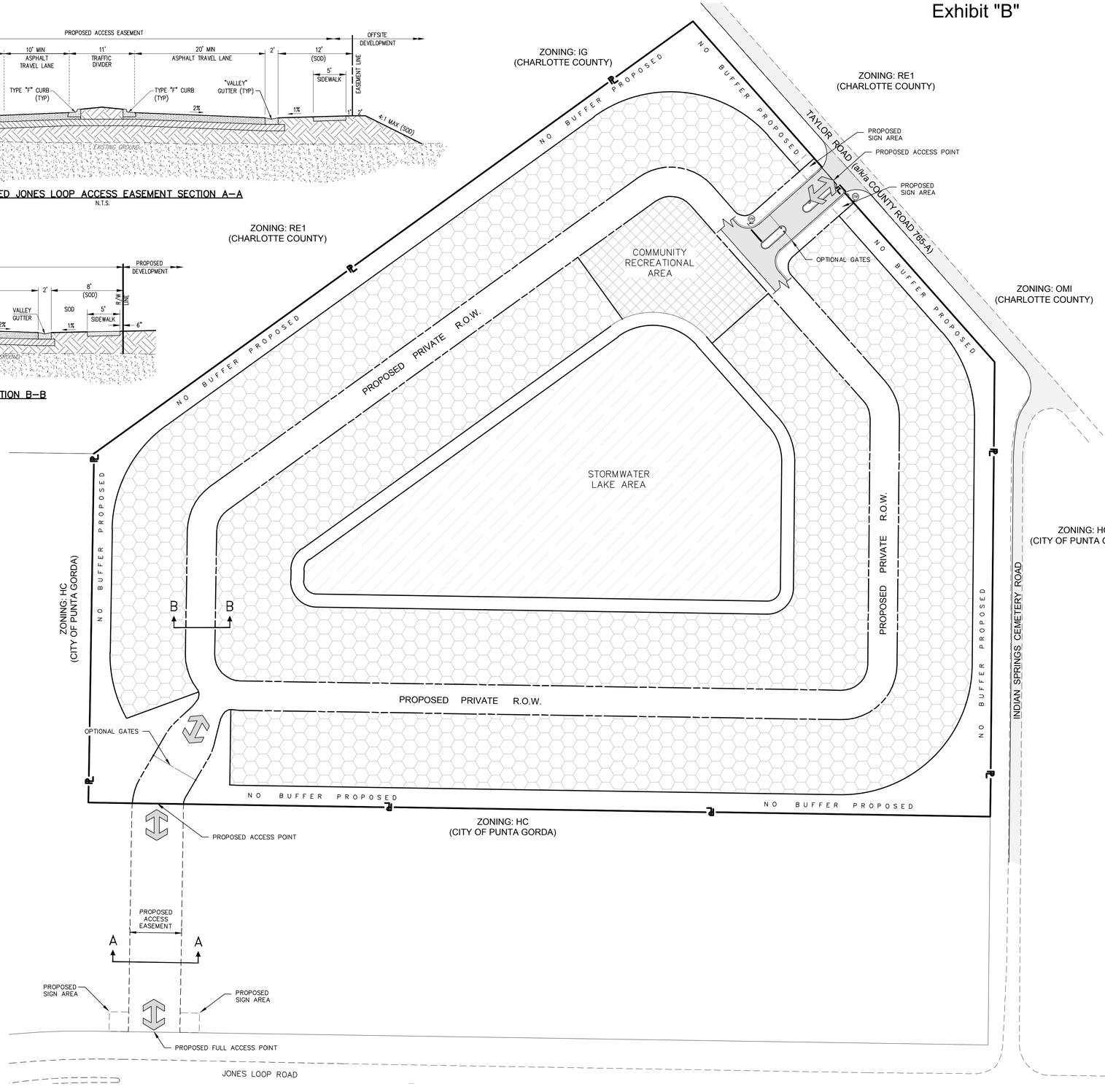
# Exhibit "B"

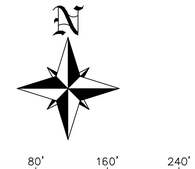



PROPOSED JONES LOOP ACCESS EASEMENT SECTION A–A
N.T.S.




TYPICAL 40' MIN ROW SECTION B–B
N.T.S.




## SITE DATA TABLE:

| | |
|---|---|
| PROPERTY AREA: | 28.53 AC. |
| CURRENT ZONING: | (HC) HIGHWAY COMMERCIAL |
| PROPOSED ZONING: | (PDN) PLANNED DEVELOPMENT NEIGHBORHOODS |

## UTILITY PROVIDERS:

| | |
|---|---|
| POTABLE WATER: | CITY OF PUNTA GORDA UTILITIES |
| SANITARY SEWER: | CITY OF PUNTA GORDA UTILITIES |
| ELECTRIC: | FLORIDA POWER & LIGHT |
| PHONE: | CENTURYLINK |
| CABLE: | COMCAST |
| SOLID WASTE DISPOSAL: | CITY OF PUNTA GORDA |
| DRAINAGE: | STORM WATER MANAGEMENT SYSTEM TO MEET CITY & & SWFWMD RULES & REQUIREMENTS |
| FIRE PROTECTION: | CITY OF PUNTA GORDA FIRE |

## CONCEPT PLAN DATA:

| | | |
|---|---|---|
| TOTAL PROPERTY ACREAGE: | 28.53 AC | |
| PROPOSED PDN AREA: | 28.53 AC | (100.0%) |
| RESIDENTIAL LOT AREA: | 16.42 AC | (57.5%) |
| STORM WATER LAKE AREA: | 4.45 AC | (15.6%) |
| COMMUNITY RECREATIONAL AREA: | 0.68 AC | (2.4%) |
| RIGHT-OF-WAY AREA: | 3.73 AC | (13.1%) |
| COMMON OPEN SPACE AREA: | 3.25 AC | (11.4%) |

## DENSITY CALCULATION:

PROPOSED RESIDENTIAL DENSITY
146 SINGLE FAMILY UNITS

146 UNITS ÷ 28.53 AC = 5.12 UNITS/ACRE

## DEVELOPMENT STANDARDS:

| DESCRIPTION | SINGLE FAMILY DETACHED | SINGLE FAMILY ATTACHED VILLAS |
|---|---|---|
| MIN. LOT REQUIREMENT (SQ. FT.) | 5,000 | 3,000 |
| MAX. PERCENTAGE OF LOT COVERAGE (%) | 60 | 70 |
| MIN. WIDTH (FT.) | 50 | 30 |
| MIN. FRONT YARD (FT.) | 20 | 20 |
| MIN. SIDE YARD INTERIOR (FT.) | 5 | 5/0** |
| MIN. SIDE YARD ABUTTING A ROAD (FT.) | 10 | 10 |
| MAX. BUILDING HEIGHT (FT.) | 38 | 38 |
| MIN. REAR YARD ABUTTING A LOT (FT.) | 10 | 10 |
| MIN. REAR YARD ABUTTING WATER (FT.)*** | 15 | 15 |
| MIN. REAR YARD ABUTTING A ROAD (FT.) | 15 | 15 |
| SETBACK FOR ACCESSORY STRUCTURE FROM REAR LOT LINE (FT.) | 5 | 5 |
| SETBACK FOR ACCESSORY STRUCTURE FROM SIDE YARD (FT.) | SAME AS PRINCIPAL BUILDING | |
| SETBACK FOR ACCESSORY STRUCTURE ABUTTING A ROAD (FT.) | 10 | 10 |
| SETBACK FOR ACCESSORY STRUCTURE ABUTTING WATER (FT.)*** | SAME AS PRINCIPAL BUILDING | |

NOTE:
** SINGLE FAMILY ATTACHED WILL HAVE 0' SIDE SETBACK ON ONE SIDE.
*** PROPOSED SETBACK IS FROM SEASONAL HIGH WATER LINE OF LAKE.

## PARKING STANDARDS:

PARKING IS PROPOSED TO MEET CITY OF PUNTA GORDA LAND DEVELOPMENT CODE AND WILL BE PROVIDED AT FINAL DRC.

## FLOOD ZONE INFO:

THE SUBJECT PARCEL AS SHOWN HEREON IS LOCATED ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP 12015C0244F, EFFECTIVE MAY 05, 2003, THE SUBJECT PARCEL LIES WITHIN FLOOD ZONE X (UNSHADED) (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), FLOOD ZONE X (UNSHADED)(AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).

## COMMUNITY RECREATIONAL AREA:

REQUIRED COMMUNITY RECREATIONAL AREA
0.25 AC PER 100 UNITS
= 0.25 AC X 1.46 (100 UNITS)
= 0.37 AC

PROVIDED COMMUNITY RECREATIONAL AREA = 0.68 AC

## OPEN SPACE AREA:

REQUIRED OPEN SPACE AREA
0.25 AC PER 100 UNITS
= 0.25 AC X 1.46 (100 UNITS)
= 0.37 AC

PROVIDED OPEN SPACE AREA = 3.25 AC

## LEGEND:

RESIDENTIAL LOT AREA

PREPARED FOR:

D.R. HORTON, INC.
10541 SIX MILE CYPRESS PKWY.
FORT MYERS, FL. 33966
(239) 225-2600

ALL ELEVATIONS ON CIVIL ENGINEERING PLANS REFERENCE: NAVD88

| NO. | DATE | REVISION DESCRIPTION | BY |
|---|---|---|---|


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SURVEY LICENSE # LB 6690

WWW.BANKSENG.COM

STEVEN R. SONBERG, P.E., P.S.M.
FL LIC #92103


PLANNED DEVELOPMENT CONCEPTUAL SITE PLAN

# NORTH JONES LOOP PROPERTY

CHARLOTTE COUNTY, FLORIDA

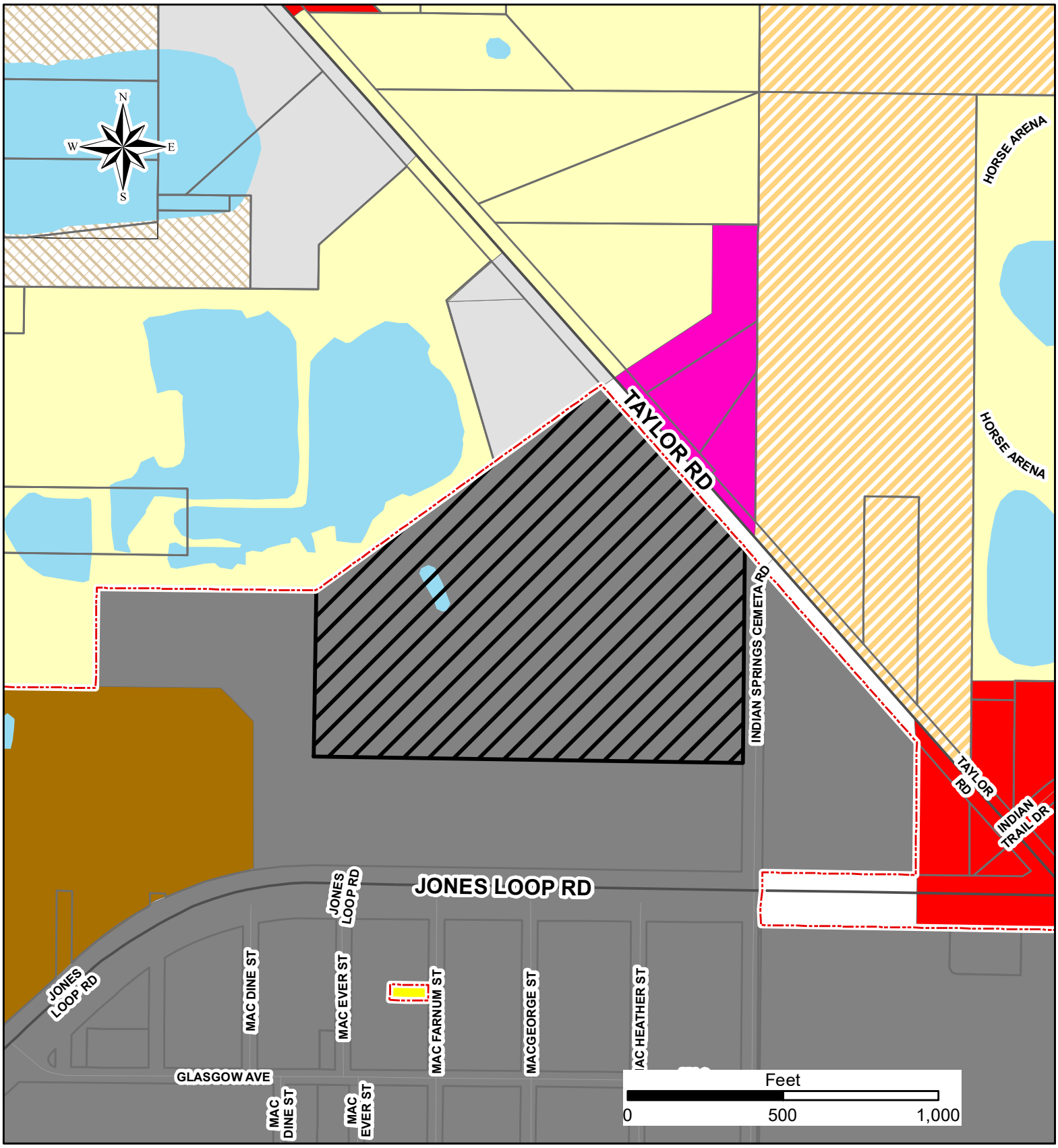
| DATE | PROJECT | DRAWING | DESIGN | DRAWN | CHECKED | SCALE | SHEET |
|---|---|---|---|---|---|---|---|
| 06-30-22 | 4507 | SP-05 | TRR | GAE | SRS | 1"=80' | 1 |



SEA COVE SUBDIVISION

S:\JOBS\4500\4507\ENGINEERING\SITE PLANS\4507 SP05.DWG 7/1/2022 8:19 AM GARY EVERTS

# Existing Zoning – PD-06-22 - North Jones Loop



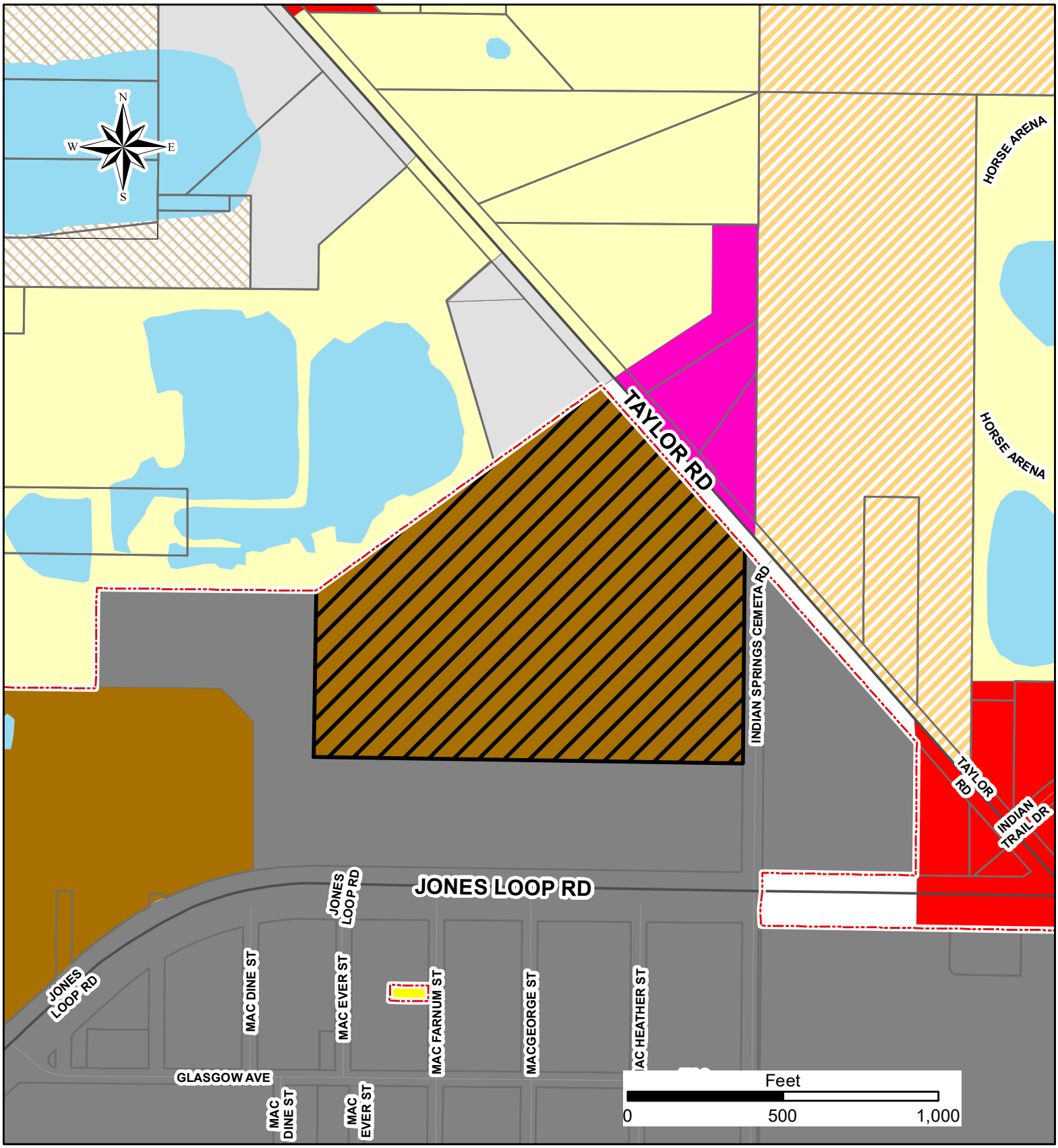

City Limits
Subject Parcels
Property Accounts
Major Road
Street
Railroad
Water

**County Zoning**
- Commercial General
- Commercial Tourist
- Industrial General
- Manufactured Home Park
- Planned Development
- Residential Estates-1
- Residential Estates-5
- Residential Multi-Family-5
- Residential Single Family-3.5
- Residential Single Family-5

**City Zoning**
- Planned Development Neighborhood
- PD-Highway Commercial
- PD-General Single Family
- General Single Family-3.5
- General Multi-Family-15
- Manufactured Home
- Highway Commercial

Punta Gorda FLORIDA

# Proposed Zoning – PD-06-22 - North Jones Loop




City Limits
Subject Parcels
Property Accounts
Major Road
Street
Railroad
Water

**County Zoning**
Commercial General
Commercial Tourist
Industrial General
Manufactured Home Park
Planned Development
Residential Estates-1
Residential Estates-5
Residential Multi-Family-5
Residential Single Family-3.5
Residential Single Family-5

**City Zoning**
Planned Development Neighborhood
PD-Highway Commercial
PD-General Single Family
General Single Family-3.5
General Multi-Family-15
Manufactured Home
Highway Commercial

Punta Gorda FLORIDA

**CITY OF PUNTA GORDA, FLORIDA**
**PLANNING COMMISSION MEETING MINUTES**
**DECEMBER 20, 2022, 2:00 P.M.**

**MEMBERS PRESENT:** Joseph Comeaux, Chair
Bradford Gamblin, Harvey Goldberg, Sherman Johnson, Lisa Kellythorne, Paul Sacilotto, Robert Sifrit

**OTHERS PRESENT:** City Attorney David Levin; Lisa Hannon, Zoning Official; Bob Fritz; Lori Leonhardt; Geri Waksler; Tina Ekblad; Wendy Mueller; Debbie Coudret; Tim Ritchie; Amber; James Loy; Willie Campbell; Lori Barry; Shane O'Reilly; Deborah Lux; Tina Ekblad; Jon Larmore; Patti Allen; Ron Zabel; Jerry Justin; Jeff Barlow; Charles Lewis; Lori Leonhardt; Shawn Monchia; Tracey Wingate; Martha Buisman; Kathleen Davis; Diane Lefeven; Cynthia Blondin; Judy Beaumont; Maureen Groff; Donna Debree; Janet Vincanen; Andrea Dirienzio; Leah Pappas; Sharon Rommel; Joan Whitney; Tammy Olsen; Gary Butler; Kurt Brown; Ralph Allen; Mario Varacove; John Wright; Chris Evans; Robert Truck; Janet Minerich; Carlene Zeches; Helen Surnok; Cathy Burnham; Gerard Costello; Mike Polk; Jere Earlywine

3) QUASI-JUDICIAL PUBLIC HEARINGS

Mr. Comeaux reviewed the procedures for public comment and quasi-judicial public hearings.

3.b PD-06-2022 - An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning property addressed as 9298 MacEver Street, containing 28.53 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East, being a portion of the parcel described in Official Record Book 3642, Page 473, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; from Highway Commercial (HC) to Planned Development Neighborhood (PDN); Providing for certain modifications to the regulations applicable to the Planned Development Neighborhood zoning classification; Providing for conflict and severability; and Providing an effective date.

***Exhibits:***
Cover Page
Proof of property posting 12-2-2022
Staff report
Application
Proposed Ordinance
Current zoning
Proposed zoning

City Attorney Levin requested members identify the criteria which must be considered for approving or denying the CP-05-2022 and PD-06-2022 applications, noting a separate motion should be made for each request.

Ms. Hannon entered the staff report into the record in its entirety by reference, noting the request was a companion to the CP-05-2022 application. She reviewed staff's presentation for PD-06-2022, which included an overview of the subject property, details of the conceptual site plan and elements the request was consistent with in the 2040 Plan. She summarized the approval criteria for the request along with the benefits the proposed development would provide, concluding the Urban Design Division recommended approval of the request with the conditions outlined in the presentation.

Mr. Johnson questioned the requirements for the eagle's nest reported in the environmental study.

Ms. Hannon responded same could be addressed at the time of development review.

Ms. Waksler requested her comments provided for the CP-05-2022 application be entered into the record for this request.

Mr. Comeaux opened the floor for public comment on the CP-05-2022 and PD-06-2022 applications, then called three times for public comment.

Mr. Johnson **MOVED** to close the public hearing, **SECONDED** by Mr. Sacilotto.

**MOTION UNANIMOUSLY CARRIED**.

City Attorney Levin read the criteria for approving or denying the CP-05-2022 and PD-06-2022 requests, which included the requirements for same to be consistent with the 2040 Plan and compatible with the surrounding neighborhood.

Ms. Waksler pointed out there were comments included in the application which addressed the criteria in addition to staff's comments. She then stated the subject parcel was originally intended for mixed-use by the previous property owners and not solely for commercial, adding residential units were needed to support commercial entities. She indicated there was a discrepancy between two reports regarding how far the eagle's nest measured from the subject property, adding the Fish and Wildlife Services might need to provide documentation confirming the nest was outside the area requiring special measures to protect the eagle. She concluded with a request for approval of the CP-05-2022 and PD-06-2022 applications.

Mr. Comeaux called for a motion to close the public hearing.

Mr. Sifrit **MOVED** to close the public hearing, **SECONDED** by Ms. Kellythorne.

**MOTION UNANIMOUSLY CARRIED**.

Mr. Comeaux called for a motion for CP-05-2022.

Ms. Kellythorne **MOVED** to find CP-05-2022 consistent with the Comprehensive Plan and to recommend approval of the request based on the evidence and testimony presented, **SECONDED** by Mr. Johnson.

**MOTION UNANIMOUSLY CARRIED**.

Mr. Comeaux called for motion for PD-06-2022.

Mr. Gamblin **MOVED** to find PD-06-2022 consistent with the Comprehensive Plan and to recommend approval of the request with staff's conditions based on the evidence and testimony presented, **SECONDED** by Mr. Sifrit.

**MOTION UNANIMOUSLY CARRIED**.

**EXCERPT EXCERPT EXCERPT**

**CITY OF PUNTA GORDA, FLORIDA**
**REGULAR CITY COUNCIL MEETING MINUTES**
**JANUARY 18, 2022, 9:00 A.M.**

**COUNCILMEMBERS PRESENT:** Matthews, Dryburgh, Kuharski, Lockhart, Peterman

**CITY EMPLOYEES PRESENT:** Kristin Simeone, Finance; Bryan Clemons, Public Works; Neil Peters, Utilities; Jeff Payne, Human Resources; Joan LeBeau, Urban Design; Pamela Davis, Police; Holden Gibbs, Fire; City Attorney Levin; City Manager Murray; City Clerk Smith

3) PUBLIC HEARING AGENDA (Quasi-Judicial and Legislative)

3.d CP-05-2022 - An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to reflect the change in the current designation of Highway Commercial Corridor (HCC) to Medium Density Residential (MDR) for 28.53+/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East, being a portion of the parcel described in Official Record Book 3642, Page 473, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; Providing for conflict and severability; and Providing an effective date. FIRST READING

***Exhibits:***
Cover Page
December 2, 2022, Notice of Public Hearing
December 2, 2022, Proof of Property Posting
Staff Report
Presentation
Application
Ordinance
Current Future Land Use Map
Proposed Future Land Use Map
Applicant's Presentation

City Attorney Levin read the ordinance by title.
Ms. Hannon entered the staff report into the record by reference, stating the City received a petition to amend the Comprehensive Plan Future Land Use Map from Highway Commercial Corridor to Medium Density Residential. She reviewed the policies and objectives that were consistent with the applicable 2040 Comprehensive Plan (2040 Plan) Elements as well as the concurrency requirements for roadway, potable water, sanitary sewer, stormwater and drainage facilities as well as solid waste removal, parks and recreation and public schools. She presented staff's findings and conclusions, noting the Planning Commission and Urban Design Division staff recommended approval with the stated conditions.
**Councilmember Kuharski** inquired as to a plan for transferring density units to the project.

Ms. Hannon replied same would be handled through the County's density unit transfer process.
**Mayor Matthews** inquired as to who would make improvements to Indian Springs Cemetery Road.
Ms. Hannon replied the applicant would be responsible for same.
Mr. Mitchell Austin, Principal Planner, explained a study suggested reconfiguration of the intersection of Taylor Road and north Jones Loop Road due to safety concerns, noting Indian Springs Cemetery Road would become a relief road. He opined locating the primary entrance for this project on Indian Springs Cemetery Road made sense in the long term.
Ms. Geri Waksler, applicant's representative, stated she would make a single presentation for CP-05-2022 and PD-06-2022. She presented information regarding the Comprehensive Plan and rezoning requests, noting the proposed mixed-use community would offer apartment, attached-villa and single-family housing together with the ability to develop up to 504,000 square feet on the remaining 63 commercial acres. She stated the applicant rejected staff's suggestion to locate the primary entrance on Indian Springs Cemetery Road based on an unfunded long-term plan, pointing out the road's width was insufficient, its intersection with Taylor Road was at an odd angle and visibility of the project would be insufficient. She suggested it was inequitable to require the applicant to relocate the primary entrance from Taylor Road and to fund improvements to Indian Springs Cemetery Road, adding secondary access was located on Jones Loop Road. She indicated the requested density of 5.12 units per acre was just above the upper limit of low residential density of 5 units per acre and would increase both the project's viability as well as commercial development in the area. She reported the traffic study indicated the existing roadway network would accommodate current traffic as well as traffic generated by the development. She joined in staff's analysis and conclusions with the exception of relocation of the primary access, concluding by requesting approval of the Comprehensive Plan amendment and the Planned Development.
**Councilmember Lockhart** questioned if the property could be developed based on its unusual shape.
Ms. Waksler replied affirmatively, anticipating stormwater management would be placed on the north of the site.
**Councilmember Kuharski** opined the developer should pursue a Costco in the area.
Ms. Waksler responded there would be sufficient space for a Costco in that location if they desired to develop there. She noted Costco had examined properties in the area; however, some of the focus had been further south in order to attract Fort Myers residents.
**Mayor Matthews** inquired where the density would come from.
Ms. Waksler stated most density came from east Charlotte County from agricultural plats with density associated with them.
**Mayor Matthews** concurred with the need for a secondary entrance. She then inquired as to the proposed building heights.
Ms. Waksler replied the plans showed 38 feet.
**Mayor Matthews** estimated there were 25,000 new residential units coming, voicing concern there was insufficient commercial to support them.
Ms. Waksler responded a significant amount of commercial was proposed.
**Mayor Matthews** opened the floor for public comment.

Ms. Debra Lutz stated City Council repeatedly stated commercial properties were needed but they continued to make exceptions to allow more residential, expressing preference to pursue greater commercial development.
Mr. Tim Ritchie expressed concern regarding the environmental impact of the proposed development.
Ms. Kay Abbs asserted there was no room for a Costco.
Ms. Waksler drew members' attention to the aerial view of the property, particularly a parcel set aside to accommodate development of a big-box store.
**Mayor Matthews** called three times for public comment.
Councilmember Lockhart **MOVED** to close the public hearing, **SECONDED** by Councilmember Peterman.
**MOTION UNANIMOUSLY CARRIED.**
**Councilmember Lockhart** received clarification from Ms. Hannon that the applicant was not proposing to access Indian Springs Cemetery Road.
Mr. Austin explained staff's recommendation to relocate the primary access to Indian Springs Road was based on a long-term plan which may eliminate full median access to the entrance on Taylor Road as well as the existing condition of the traffic signal at Jones Loop Road and Indian Springs Cemetery Road. He reiterated staff was recommending one access be on Indian Springs Cemetery Road in addition to the access on Jones Loop Road.
Ms. Waksler opined it was not appropriate to place an entrance from the project on Indian Springs Cemetery Road, suggesting it was more realistic for the commercial development to install an access road just south of the property line for access to Indian Springs Cemetery Road. She asserted it was not appropriate to place the onus of improving Indian Springs Cemetery Road on the residential project.
Discussion continued regarding staff's recommendation to relocate the Taylor Road access point to Indian Springs Cemetery Road.
Councilmember Kuharski **MOVED** approval of CP-05-2022, with staff's conditions, **SECONDED** by Councilmember Dryburgh.
**VOTING AYE:** Matthews, Dryburgh, Kuharski, Peterman.
**VOTING NAY:** Lockhart.
**MOTION CARRIED.**

3.e PD-06-2022 - An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning property addressed as 9298 MacEver Street, containing 28.53 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East, being a portion of the parcel described in Official Record Book 3642, Page 473, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; from Highway Commercial (HC) to Planned Development Neighborhood (PDN); Providing for certain modifications to the regulations applicable to the Planned Development Neighborhood zoning classification; Providing for conflict and severability; and Providing an effective date. FIRST READING

***Exhibits:***
Cover Page
December 2, 2022, Proof of Property Posting
Staff Report
Presentation
Application

Ordinance
Current Zoning
Proposed Zoning
Applicant's Presentation

City Attorney Levin read the ordinance by title.
Ms. Hannon entered the staff report into the record by reference. She stated the City received a petition to rezone the property to Planned Development Neighborhood, noting this was a companion application to CP-05-2022. She stated the request was for approval of a conceptual site plan including up to 146 single-family lots, a community recreation area, on-site parking, a pedestrian circulation system and a stormwater management system. She reviewed staff's findings, including the proposal's conformity with policies in the 2040 Plan, and conclusions. She noted staff's conditions included changing ingress/egress from Taylor Road to Indian Springs Cemetery Road, addressing all water/wastewater requirements prior to DRC approval, transferring 146 density units to the property and requirements of staff report are considered as conditions for approval to be reviewed at the time of development plan submittal. She noted the Planning Commission and Urban Design Division staff recommended approval with the stated conditions.
City Attorney Levin inquired if changing the ingress/egress was a needed recommendation or simply a preference of staff.
Ms. Hannon replied it was a preference of staff.
**Councilmember Kuharski** received confirmation from Mr. Austin that transferring density units from agricultural land protected agricultural lands as they would no longer have density for development.
Ms. Waksler requested her comments from the hearing for CP-05-2022 be incorporated under oath into this public hearing. She joined in staff's analysis as same pertained to consistency with the Comprehensive Plan and compliance with the requirements for a rezoning, requesting approval of the Planned Development.
**Mayor Matthews** opened the floor for public comment.
Ms. Debra Lutz requested her remarks from the public hearing for CP-05-2022 be incorporated under oath, expressing concern regarding the proposed density and potential adverse impacts on the environment.
**Mayor Matthews** called three times for public comment.
Councilmember Dryburgh **MOVED** to close the public hearing, **SECONDED** by Councilmember Kuharski.
**MOTION UNANIMOUSLY CARRIED.**
**Mayor Matthews** stated she received confirmation Costco had plans to develop a location at the north end of Charlotte County, noting they required 200,000 residents with a median income of $75,000 within a 5-mile area.
Councilmember Kuharski **MOVED** approval of PD-06-2022 with staff's conditions except the requirement for an additional ingress at Indian Springs Cemetery Road, **SECONDED** by Councilmember Dryburgh.
**VOTING AYE:** Dryburgh, Kuharski, Peterman.
**VOTING NAY:** Matthews, Lockhart.
**MOTION CARRIED.**

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**ORDINANCES / RESOLUTIONS**
**(No Public Hearing Required)**

**Title:**

**GA-02-2023** - An Ordinance Of The City Council Of The City Of Punta Gorda, Florida, Amending Chapter 15, "Offenses And Miscellaneous Provisions," Punta Gorda Code; Amending Chapter 15, Section 15-1, "Definitions," Punta Gorda Code; Amending Chapter 15, Section 15-37, "Carrying Concealed Weapons, Penalty; Officer To Arrest Without Warrant And Upon Probable Cause," Punta Gorda Code; Amending Chapter 15, Section 15-38, "Improper Exhibition Of Dangerous Weapons Or Firearms; Penalty," Punta Gorda Code; Providing For Conflict And Severability; And Providing An Effective Date. **SECOND READING**

**Funds:** Not applicable.

**Recommended Action:** City Council approval.

**Summary:**

An Ordinance of The City Council of The City of Punta Gorda, Florida, amending the provisions of Chapter 15, Section 15-37, "Carrying Concealed Weapons, Penalty; Officer to Arrest without Warrant and upon Probable Cause", Punta Gorda Code; Chapter 15, Section 15-38, "Improper Exhibition of Dangerous Weapons or Firearms; Penalty", Punta Gorda Code; and related definitions contained in Chapter 15 Section 15-1, "Definitions", Punta Gorda Code have been superseded by Florida Statutes on the subject.

**Department/Division:** City Manager / Legal

**EXHIBITS:**

1. Ordinance
2. Proof of Publication

CITY OF PUNTA GORDA

ORDINANCE NO. _____

GA-02-2023 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING CHAPTER 15, "OFFENSES AND MISCELLANEOUS PROVISIONS," PUNTA GORDA CODE; AMENDING CHAPTER 15, SECTION 15-1, "DEFINITIONS," PUNTA GORDA CODE; AMENDING CHAPTER 15, SECTION 15-37, "CARRYING CONCEALED WEAPONS, PENALTY; OFFICER TO ARREST WITHOUT WARRANT AND UPON PROBABLE CAUSE," PUNTA GORDA CODE; AMENDING CHAPTER 15, SECTION 15-38, "IMPROPER EXHIBITION OF DANGEROUS WEAPONS OR FIREARMS; PENALTY," PUNTA GORDA CODE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the provisions of Chapter 15, Section 15-37, "Carrying concealed weapons, penalty; officer to arrest without warrant and upon probable cause," Punta Gorda Code; Chapter 15, Section 15-38, "Improper exhibition of dangerous weapons or firearms; penalty," Punta Gorda Code; and related definitions contained in Chapter 15, Section 15-1. "Definitions," Punta Gorda Code have been superseded by Florida Statutes on the subject; and

WHEREAS, the City of Punta Gorda Police Department currently enforces the Florida Statutes on similar subject matter.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA THAT:

I. Chapter 15, Section 15-1. "Definitions," Punta Gorda Code is hereby amended by the deletion of the following terms and renumbering accordingly:

(b) Concealed weapon means any dirk, metallic knuckles, slingshot, billie, tear gas gun, chemical weapon or device, or any other deadly weapon carried on or about a person in such a manner as to conceal said weapon from the ordinary sight of another person.

(c) Electric weapon or device means any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury.

(k) Slungshot means a small mass of metal, stone, sand, or similar material fixed on a flexible handle, strap, or the like, used as a weapon.

(l) Tear gas gun, chemical weapon, or device shall apply to all weapons of such nature except those designed to be carried in a woman's handbag or a man's pants or coat pocket or designed as a pocket pencil or pen and containing not more than one-half ounce of chemical.

(n) Weapon means any dirk, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or any other deadly weapon except a firearm or a common pocketknife.

II. Chapter 15, Section 15-37, "Carrying concealed weapons, penalty; officer to arrest without warrant and upon probable cause," Punta Gorda Code is hereby amended by the deletion of the following provision and replacing with the words "Sec. 15-37. Reserved.":

> Carrying concealed weapons, penalty; officer to arrest without warrant and upon probable cause. Whoever in the City of Punta Gorda, Florida, shall carry a concealed weapon or electric weapon or device on or about his person shall be guilty of a misdemeanor of the first degree, punishable as provided in Florida Statutes, sections 775.082 or 775. 083. The carrying of a concealed weapon is hereby declared a breach of the peace, and any officer authorized to make arrests under the laws of the State of Florida may make arrests within the City without warrant of persons violating the provisions of this section when said officer has reasonable grounds or probable cause to believe that the offense of carrying a concealed weapon is being committed.

III. Chapter 15, Section 15-38, "Improper exhibition of dangerous weapons or firearms; penalty," Punta Gorda Code is hereby amended by the deletion of the following provision and replacing with the words "Sec. 15-38. Reserved.":

> Improper exhibition of dangerous weapons or firearms; penalty. If any person in the City of Punta Gorda, Florida, having or carrying any dirk, sword, sword cane, firearm, electric weapon or device, or other weapon shall, in the presence of one or more persons, exhibit the same in a rude, careless, angry, or threatening manner, not in necessary self defense, the person so offending shall be guilty of a misdemeanor of the first degree, punishable as provided in Florida Statutes, sections 775.082, 775.083 or 775.084.

IV. It is the declared intent of the City Council that, if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

V. Any ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

VI. This ordinance shall take effect immediately upon its adoption.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida this ___ day of _____, 2023.

_____
LYNNE R. MATTHEWS, Mayor

ATTEST:

_____
KAREN SMITH, City Clerk

APPROVED AS TO FORM:

_____
DAVID M. LEVIN, City Attorney

The Daily SUN
Charlotte • DeSoto • Sarasota

## PUBLISHER'S AFFIDAVIT OF PUBLICATION STATE OF FLORIDA COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Melinda Prescott, who on oath says that she is the Legal Advertising Representative of The Daily Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Legal Notice that was published in said newspaper in the issue(s)

01/08/23

as well as being posted online at www.yoursun.com and www.floridapublicnotices.com.
Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Melinda Prescott
(Signature of Affiant)

Sworn and subscribed before me this 9th day of January, 2023

Laura M Robins
(Signature of Notary Public)

Notary Public State of Florida
Laura M Robins
My Commission HH 282830
Expires 9/26/2026

Personally known _X_ OR ___Produced Identification

**NOTICE OF PUBLIC HEARING CITY OF PUNTA GORDA, FLORIDA**

**YOU ARE HEREBY** notified that the Punta Gorda **City Council** will hold a Public Hearing on **Wednesday, January 18, 2023, at 9:00 a.m., and Wednesday, February 1, 2023, at 9:00 a.m.,** or as soon thereafter as may be heard, to consider the following request:

**GA-02-2023** - An Ordinance of the City Council of the City of Punta Gorda, Florida, amending Chapter 15, "Offenses and Miscellaneous Provisions," Punta Gorda Code; amending Chapter 15, Section 15-1, "Definitions", Punta Gorda Code; amending Chapter 15, Section 15-37, "Carrying Concealed Weapons, Penalty; Officer to Arrest Without Warrant and Upon Probable Cause", Punta Gorda Code; amending Chapter 15, Section 15-38, "Improper Exhibition of Dangerous Weapons or Firearms; Penalty", Punta Gorda Code; providing for conflict and severability; and providing an effective date.

Said hearing will be held in the temporary City Council Chambers located at the Military Heritage Museum auditorium, 900 West Marion Avenue, Punta Gorda, FL 33950. Any persons desiring to be heard on this matter may appear at the above time and place. If an appeal is to be made of any decision made at this meeting, a verbatim record of the proceeding may be required. A copy of this notice and the associated public hearing documents are available for inspection at the Office of the City Clerk located at 117 Herald Court, Unit 211, Punta Gorda, FL 33950.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, the location of this public hearing is accessible to persons with disabilities. If you are a person with disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Interpreters for the hearing impaired (TTY 941-575-5013) or non-English speaking citizens and any other special accommodations can be requested by contacting the Human Resources Manager/ Non-Discrimination Coordinator whose address is 326 West Marion Avenue, Punta Gorda, FL 33950, whose telephone number is (941) 575-3308, and whose email address is humres@pgorda.us, at least two (2) calendars days prior to the meeting.
**KAREN SMITH, CMC**
**CITY CLERK**
**CITY OF PUNTA GORDA**
Publish: January 8, 2023
102469 3875062

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**ORDINANCES / RESOLUTIONS**
**(No Public Hearing Required)**

| | |
|---|---|
| **Title:** | A Resolution of the City Council of the City of Punta Gorda, Florida amending the budget for the fiscal year beginning October 1, 2022 by providing for re-appropriations and supplemental appropriations in the amounts identified in exhibit A; providing for severability; and providing an effective date. |
| **Funds:** | General Fund and IT Fund. Reappropriations and Appropriations as provided in the attachment. |
| **Recommended Action:** | City Council approval. |
| **Summary:** | Reappropriations are items that were budgeted in FY 2022 that either did not get purchased, were not received, or were not completed within the fiscal year.<br>Appropriations are items that have come up for FY 2023 budget approval that need to be added to the FY 2023 plan. Funding of the appropriation requests are from additional revenue in FY 2023, reserves, or remaining unspent budget from FY 2022.<br>The attached list does not negatively impact the ability to balance the City's FY 2023 financial plan and retain sufficient reserves. |
| **Department/Division:** | Finance |

**EXHIBITS:**

1. Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 BY PROVIDING FOR RE-APPROPRIATIONS AND SUPPLEMENTAL APPROPRIATIONS IN THE AMOUNTS IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Punta Gorda, adopted its Operating Budget, Revenues and Expenditures, on September 21, 2022 and said budget being $187,330,240; and

WHEREAS, the City needs to amend said budget so as to provide for re-appropriations and supplemental appropriations in the amounts identified in Exhibit A;

NOW, THEREFORE, BE IT RESOLVED THAT:

The budget for the fiscal year commencing October 1, 2022 is here by amended by providing for re-appropriations and supplemental appropriations in the amounts identified in Exhibit A, attached hereto and incorporated herein.

ADOPTED by the City Council of the City of Punta Gorda, Florida this 1st day of February, 2023.

CITY OF PUNTA GORDA, FLORIDA

By: _____
LYNNE R. MATTHEWS, Mayor

ATTEST:

_____
KAREN SMITH, City Clerk

APPROVED AS TO FORM:

_____
DAVID LEVIN, City Attorney

*** EXHIBIT A ***

**City of Punta Gorda, FL**
**Schedule of Requests for Reappropriation**
**From FY 2022 to FY 2023**

| FUND / Division | Acct Number FY 2023 | Amount | Purpose | Project Code |
|---|---|---|---|---|
| **GENERAL** | | | | |
| **Uses** | | | | |
| City Clerk | 001-0300-512-5220 | $ 2,530 | Preservation of historic ordinance book 3, delayed due to Hurr. Ian | |
| | | $ 2,530 | | |
| **Sources** | 001-0000-389-9005 | $ 2,530 | Fund Balance | |
| **IT Fund** | | | | |
| **Uses** | 502-0251-590-5221 | $ 3,500 | Network signal monitor, purchase delayed | |
| | 502-0251-590-6420 | $ 30,000 | GIS equipment purchase delayed | ITGIS |
| | 502-0251-590-6420 | $ 25,000 | Enterprise camera system project delayed | ITSECC |
| | 502-0251-590-6421 | $ 20,000 | Online City code manager SW project delayed | ITCODE |
| | 502-0251-590-6421 | $ 6,000 | Enterprise vault large email extraction accelerator SW delayed | ITEVEX |
| | 502-0251-590-6421 | $ 20,000 | Park reservation and payment SW delayed | ITPARK |
| | | $ 104,500 | | |
| **Sources** | 502-0000-389-9005 | $ 104,500 | Fund Balance | |

**City of Punta Gorda, FL**
**Schedule of Requests for Appropriation for FY 2023**

| FUND / Division | Acct Number FY 2023 | Amount | Purpose | |
|---|---|---|---|---|
| **General Fund** | | | | |
| **Uses** | | | | |
| City Clerk | 001-0300-512-5220 | $ 9,000 | Preservation of three to four additional historic ordinance books | |
| | | $ 9,000 | | |
| **Sources** | 001-0000-389-9005 | $ 9,000 | Fund Balance | |
| **IT Fund** | | | | |
| **Uses** | 502-0251-590-3100 | $ 10,000 | Business analysis for community services module (one-time) | |
| | 502-0251-590-4624 | $ 30,000 | Network log management tool to identify & remediate security issues (annual cost) | |
| | 502-0251-590-4624 | $ 20,000 | Vulnerability assessment tool to assess threats, exposures (annual cost) | |
| | 502-0251-590-4628 | $ 40,000 | Ransomware SW to track data changes over time (annual cost) | |
| | 502-0251-590-6420 | $ 16,000 | Network storage device for file servers (one-time) | ITSAN |
| | 502-0251-590-6420 | $ 9,000 | Computer replacements - additional funds due to increase in costs | ITCOMP |
| | | $ 125,000 | | |
| **Sources** | 502-0000-389-9005 | $ 125,000 | Fund Balance | |

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**ORDINANCES / RESOLUTIONS**
**(No Public Hearing Required)**

**Title:**

A Resolution Of The City Of Punta Gorda, Florida supplementing the Quasi-Judicial Hearing Procedures contained in City Of Punta Gorda Resolution No. 3673-22; providing specific deadlines for participating parties in relation to April 19, 2023 public hearings concerning CP-04-2022, an application by ATA Fishville FL, LLC to amend the City Of Punta Gorda Comprehensive Plan Future Land Use Map relating to lands collectively referred to as "Fishermen's Village," And PD-04-2022, an application By ATA Fishville FL, LLC to rezone certain properties to Planned Development Neighborhood; and providing an effective date.

**Funds:** Not applicable

**Recommended Action:** City Council Discussion

**Summary:** The Quasi-Judicial Hearing Procedures and Rules for Ex-Parte Communications adopted by City of Punta Gorda Resolution No. 3673-22 are hereby supplemented by the provisions of this Resolution for the sole purpose of the conduct of the public hearings scheduled for April 19, 2023, on CP-04-2022 and PD-04-2022.

**Department/Division:** City Manager / Legal

**EXHIBITS:**

1. Resolution

CITY OF PUNTA GORDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PUNTA GORDA, FLORIDA SUPPLEMENTING THE QUASI-JUDICIAL HEARING PROCEDURES CONTAINED IN CITY OF PUNTA GORDA RESOLUTION NO. 3673-22; PROVIDING SPECIFIC DEADLINES FOR PARTICIPATING PARTIES IN RELATION TO APRIL 19, 2023 PUBLIC HEARINGS CONCERNING CP-04-2022, AN APPLICATION BY ATA FISHVILLE FL, LLC TO AMEND THE CITY OF PUNTA GORDA COMPREHENSIVE PLAN FUTURE LAND USE MAP RELATING TO LANDS COLLECTIVELY REFERRED TO AS "FISHERMEN'S VILLAGE," AND PD-04-2022, AN APPLICATION BY ATA FISHVILLE FL, LLC TO REZONE CERTAIN PROPERTIES TO PLANNED DEVELOPMENT NEIGHBORHOOD; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 21, 2022, the City Council of the City of Punta Gorda, Florida adopted Resolution No. 3673-22 establishing quasi-judicial hearing procedures and rules for ex-parte communications, including, but not limited to hearings concerning amendments to the City of Punta Gorda Comprehensive Plan Future Land Use Map and requests for the rezoning of real property to Planned Development Neighborhood; and

WHEREAS, on January 18, 2023, the City Council of the City of Punta Gorda, Florida was scheduled to conduct a public hearing on CP-04-2022, a request by ATA Fishville FL, LLC to amend the City of Punta Gorda Comprehensive Plan Future Land Use Map relating to certain real properties collectively referred to as "Fishermen's Village"; and

WHEREAS, on January 18, 2023, the City Council of the City of Punta Gorda, Florida was scheduled to conduct a public hearing on PD-04-2022, a request by ATA Fishville FL, LLC to rezone certain real properties collectively referred to as "Fishermen's Village" to Planned Development Neighborhood; and

WHEREAS, on January 18, 2023, the City Council of the City of Punta Gorda, Florida agreed to allow Sunset Breezes Condominium Association, Inc. to participate as a Party Intervenor at the public hearing on CP-04-2022; and

WHEREAS, on January 18, 2023, the City Council of the City of Punta Gorda, Florida agreed to allow John Williams on behalf of the Starboard Point Condominium to participate as a Party Intervenor at the public hearing on CP-04-2022; and

WHEREAS, on January 18, 2023, the City Council of the City of Punta Gorda, Florida agreed to allow Sunset Breezes Condominium Association, Inc. to participate as a Party Intervenor at the public hearing on PD-04-2022; and

WHEREAS, on January 18, 2023, the City Council of the City of Punta Gorda, Florida agreed to allow John Williams on behalf of the Starboard Point Condominium to participate as a Party Intervenor at the public hearing on PD-04-2022; and

WHEREAS, on January 18, 2023, the City Council of the City of Punta Gorda, Florida heard a request by ATA Fishville FL, LLC to continue the public hearings on CP-04-2022 and PD-04-2022 for a period of ninety (90) days; and

WHEREAS, on January 18, 2023, the City Council of the City of Punta Gorda, Florida agreed to continue the public hearings on CP-04-2022 and PD-04-2022 until April 19, 2023; and

WHEREAS, the City Council of the City of Punta Gorda, Florida has determined that it is in the best interests of all parties involved in the public hearings on CP-04-2022 and PD-04-2022 to establish a schedule for the filing of all documents relevant to said public hearings to ensure that all parties, City Staff, and the City Council will be well informed in a timely fashion of the matters to be considered at the April 19, 2023 public hearings.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA:

1. The Quasi-Judicial Hearing Procedures and Rules for Ex-Parte Communications adopted by City of Punta Gorda Resolution No. 3673-22 are hereby supplemented by the provisions of this Resolution for the sole purpose of the conduct of the public hearings scheduled for April 19, 2023 on CP-04-2022 and PD-04-2022.

2. Should the Applicant, ATA Fishville FL, LLC desire to supplement the supporting documents initially provided with its application to amend the City of Punta Gorda Comprehensive Plan Future Land Use Map relating to certain real properties collectively referred to as "Fishermen's Village," (CP-04-2022), such documents must be filed with the City Urban Design Division, with copies to all Intervenors, no later than 4:30 PM on March 17, 2023.

3. Should the Applicant, ATA Fishville FL, LLC desire to supplement the supporting documents initially provided with its application to rezone certain real properties collectively referred to as "Fishermen's Village" to Planned Development Neighborhood, (PD-04-2022), such documents must be filed with the City Urban Design Division, with copies to all Intervenors, no later than 4:30 PM on March 17, 2023.

4. Should the Intervenors, Sunset Breezes Condominium Association, Inc., John Williams on behalf of the Starboard Point Condominium, and any other party granted Party Intervenor status, desire to provide a written response to any written filing by Applicant, ATA Fishville FL, LLC supplementing the supporting documents initially provided regarding CP-04-2022, such documents must be filed with the City Urban Design Division, with copies to ATA Fishville FL, LLC and all other Intervenors, no later than 4:30 PM on April 4, 2023.

5. Should the Intervenors, Sunset Breezes Condominium Association, Inc., John Williams on behalf of the Starboard Point Condominium, and any other party granted Party Intervenor status, desire to provide a written response to any written filing by Applicant, ATA Fishville FL, LLC supplementing the supporting documents initially provided regarding PD-04-2022, such documents must be filed with the City Urban Design Division, with copies to ATA Fishville FL, LLC and all other Intervenors, no later than 4:30 PM on April 4, 2023.

6. Should Applicant, ATA Fishville FL, LLC; Intervenors, Sunset Breezes Condominium Association, Inc., John Williams on behalf of the Starboard Point Condominium; and any other party granted Party Intervenor status, desire to have a written or power point presentation considered by the City Council at the April 19, 2023 public hearings concerning CP-04-2022 and PD-04-2022, copies of such presentations must be filed with the City's Urban Design Division no later than noon on April 11, 2023. Late filed presentations will not be considered by the City Council.

7. Except as otherwise modified by this Resolution, all other provisions of City of Punta Gorda Resolution No. 3673-22 shall govern the proceedings concerning CP-04-2022 and PD-04-2022.

8. This Resolution shall become effective immediately upon adoption.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida this 1st day of February, 2023.

_____
LYNNE R. MATTHEWS, Mayor

ATTEST:

_____
KAREN SMITH, City Clerk

APPROVED AS TO FORM:

_____
DAVID M. LEVIN, City Attorney

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**CONSENT AGENDA**

| | |
|---|---|
| **Title:** | Approval of Minutes: January 18, 2023, Regular City Council Meeting |
| **Funds:** | Not applicable. |
| **Recommended Action:** | Approval of the minutes. |
| **Summary:** | Minutes of the January 18, 2023, regular City Council meeting. |
| **Department/Division:** | City Clerk |

**EXHIBITS:**

1. January 18, 2023, Minutes

**CITY OF PUNTA GORDA, FLORIDA**
**REGULAR CITY COUNCIL MEETING MINUTES**
**JANUARY 18, 2023, 9:00 A.M.**

**COUNCILMEMBERS PRESENT:** Matthews, Dryburgh, Kuharski, Lockhart, Peterman

**CITY EMPLOYEES PRESENT:** Kristin Simeone, Finance; Bryan Clemons, Public Works; Neil Peters, Utilities; Jeff Payne, Human Resources; Joan LeBeau, Urban Design; Pamela Davis, Police; Holden Gibbs, Fire; City Attorney Levin; City Manager Murray; City Clerk Smith

## CALL TO ORDER

**Mayor Matthews** called the meeting to order at 9:00 a.m.
Invocation was given by Mr. Bill Frank, followed by the pledge of allegiance.
City Attorney Levin explained the intervenor procedure, noting the Mayor would decide whether to grant the intervenor status.
Ms. Lisa Hannon noted representatives of Sunset Breeze Condominiums and Starboard Point had filed for intervenor status.
City Attorney Levin noted individuals represented by those organizations should rely upon the presentation made by their representatives.
**Mayor Matthews** granted the intervenor status to both parties.
Ms. Jen Molnar, Fire Marshall, reviewed the safety procedures.

## AGENDA APPROVAL

**Mayor Matthews** noted proclamations and presentations would be moved up on the agenda.
**Councilmember Kuharski** requested discussion of the continuances for Items 3.a and 3.b be moved up as well.
**Mayor Matthews** and **Councilmembers Lockhart** and **Peterman** expressed preference not to do so.

## 1) PUBLIC INPUT

### 1.a Anyone wishing to address the Council on any matter must state their name for the record. Each person will be allowed to speak up to a maximum of three minutes.

Ms. Kay Abbs spoke regarding the importance of citizen input and the procedure for ex parte communication.
Ms. Christine Polk objected to giving away park land, asserting same conflicted with elements of the City's Comprehensive Plan. She concluded the development was not cohesive with surrounding neighborhoods and should not be allowed. She stated the development did not follow the logical pattern.
The agent for Fishermen's Village objected to comments related to Items 3.a and 3.b being made outside of the scheduled public hearings.
Mr. Daniel Osborne spoke on the social costs of change caused by development.
Ms. Debra Lutz requested City Council to keep Fishermen's Village zoning designation of Professional Office.

Ms. Wendy Mueller requested City Council rethink action on guns and to reject rezoning, giving up any City parks and the proposals put forward by Fishermen's Village.
Mr. Tim Ritchie stated City Council served the City's citizens. He objected to the statement that there would be no environmental impact on Charlotte Harbor. He asserted the City would face lawsuits if heights were increased for any developer.
Mr. Mike Holt explained his objections to the development due to building height and density.
Mr. Glen Kuhns voiced his objection to the Fishermen's Village proposals.
Ms. Mona Vieregg opined the City Council which sold the City Marketplace and Fishermen's Village would retract those votes, stating the City should keep control of its development and reject the Fishermen's Village proposals.
**Mayor Matthews** clarified while the City had owned the land where Fishermen's Village was located, it had never owned the City Marketplace property or the buildings at Fishermen's Village.
Mr. Brian Williams suggested Council was willing to go too far in compromising the Punta Gorda Codes.
Mr. John Forr spoke on the importance of meeting with citizens, stating Councilmembers should listen to the citizens.
Ms. Alice Dachowski expressed concern regarding the potential for an increase in crime related to increased development.
Ms. Christine Harvell opined since the City did not have big box stores and fast food, it was peaceful with less traffic. She stated the City had rules to keep the area as pristine as possible, adding the rules were in place to be followed.
Mr. Jeff Lustig stated City Council should respect the wishes of the residents.
Ms. Niamh McAnally stated City Council should read the room, noting no one had spoken in favor of Fishermen's Village proposals.
Mr. Gary Krieger stated large developments would destroy the ambience and beauty of the town, opining the large turnout this date indicated many others felt the same way.

1.b Those wishing to introduce themselves as nominees for a board or committee may do so at this time. Those who choose to speak must state their name for the record.

Mr. George Ruchti introduced himself as a nominee for the Utility Advisory Board.
Mr. Robert Knabe introduced himself as a nominee for the Punta Gorda Isles Canal Advisory Committee.

2) PROCLAMATIONS / PRESENTATIONS

2.a Adeline Leonard Seakwood Day
***Exhibits:***
Adeline Leonard Seakwood Day
Cover Page

**Mayor Matthews** presented the proclamation, which was accepted by Ms. Adeline Seakwood.

2.b Service Awards
***Exhibits:***
Cover Page

**Mayor Matthews** presented service awards to Mses. Alicia Oates (20 years) and Pamela Davis (5 years).

2.c Center for Digital Government Digital Cities Award 2022

***Exhibits:***

Cover Page

City Manager Murray explained the City had ranked seventh in the 2022 Digital Cities Survey in the up to 75,000 population category.

Mr. Brad Schuette, Information Technology Director, spoke on the City's use of technology.

3) PUBLIC HEARING AGENDA (Quasi-Judicial and Legislative)

City Attorney Levin swore in all quasi-judicial public hearing participants. He noted requests for continuances had been received for Items 3.a and 3.b, explaining the process for considering same.

Mr. Jacob Cremer, applicant's agent, explained the continuance was requested in order to ensure the applications were correct, noting they had first seen density calculated differently on the prior Friday and had not had time to confirm all the numbers. He opined requiring the application to proceed at this point would present due process and prejudicial issues. He pointed out information from the intervenors had only been received recently, indicating more time was needed to review those documents and meet with the intervenors in an attempt to narrow the issues.

Ms. Patti Allen, Fishermen's Village, explained their team had been working on the Planned Development for several years, opining the phased project was in the best interest of future growth. She stated a continuance of 30 days had originally been requested; however, it would be impossible to produce a well-thought-out revision in a few weeks and then allow staff adequate time to review same. She requested a 90-day continuance to allow Fishermen's Village to involve the community, City staff and other groups in order to address concerns such as height, density and parking.

City Attorney Levin stated City Council could continue both public hearings for a set amount of time, deny the request for a continuance or open the public hearings and hear testimony and evidence but then continue the second public hearing for a set amount of time.

**Councilmember Lockhart** spoke in favor of the third option, noting the public hearing set for this date had been advertised in the newspaper.

**Councilmember Kuharski** voiced approval of granting the continuances, expressing concern the application could change so significantly that any presentation this date would be irrelevant at the next public hearing.

**Councilmember Peterman** stated she was inclined to grant the request as the application was likely to change. She received confirmation from City Attorney Levin that presentations from the intervenors would be continued as well.

**Councilmember Dryburgh** agreed, adding he could not support vacating West Retta Esplanade.

**Councilmember Lockhart** stated she desired to hear the public's comments provided earlier as sworn testimony, indicating she was willing to grant a continuance of no more than 60 days.

**Mayor Matthews** concurred with Councilmember Lockhart.

**Councilmember Kuharski** stated Fishermen's Village had already heard the public's comments, questioning what the harm was in granting the continuance.
**Councilmember Lockhart** noted the intervenors had not yet been heard.
City Attorney Levin suggested the intervenors should be given an opportunity to provide input on the request for continuances.
Mr. John Williams, Starboard Point intervenor, suggested a continuance less than 90 days was acceptable.
Mr. Martha Buisman, Sunset Breezes intervenor, and Mr. Mike Polk, Sunset Breezes witness, stated 90 days was reasonable, requesting an additional 30 days for them to review the material.
Councilmember Kuharski **MOVED** approval of granting the 90-day continuance requests.
City Attorney Levin noted there had been suggestions from both sides that any action City Council took would result in litigation; therefore, he recommended testimony from the applicant, the intervenors and the public be heard at one time.
**Councilmember Kuharski** clarified his motion was to continue the entirety of the public hearings for 90 days.
Councilmember Dryburgh **SECONDED** the motion.
**VOTING AYE:** Dryburgh, Kuharski, Peterman.
**VOTING NAY:** Matthews, Lockhart.
**MOTION CARRIED.**
City Attorney Levin advised the rescheduled date for the public hearings would be April 19, 2023.

3.a CP-04-2022 - An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map changing the Future Land Use Map designation from Public/Simi-Public (P) to Professional Office (PO) for 17.13 +/- acres, a.k.a. Fishermen's Village, all of Lots 7 and 8, Block 15, and portions of Maud Street and W Retta Esplanade, "Trabue" recorded in Plat Book 1, Page 1; also the modified Submerged Lands Lease modification, recorded in Official Records Book 3538, Page 1700, all of the above recorded Public Records of Charlotte County, Florida, located in Section 12, Township 41 South, Range 22 East, Charlotte County, Florida, and more particularly bounded and described in Exhibit "A" attached hereto and incorporated herein; Providing for conflict and severability; and Providing an effective date. The applicant has requested a continuance to the February 15, 2023 meeting.

***Exhibits:***
Continuance Request
Cover Page
November 4, 2022, Proof of Publication
November 11, 2022, Proof of Publication
Proof of Property Posting
Staff Report
Presentation
Proposed Ordinance
Application
Current Future Land Use Map
Proposed Future Land Use Map
Applicant's Presentation
Applicant's Witness Resumes
Sunset Breeze Intervenor Documents
Starboard Point Intervenor Documents

Item continued to April 19, 2023.

3.b PD-04-2022 - An Ordinance of the City Council of the City of Punta Gorda, rezoning properties addressed as 1200 W Retta Esplanade, 1150 W Marion Avenue, 1000 W Marion Avenue, 900 W Marion Avenue, and 880 W Marion Avenue, containing 30.53 +/- acres, a.k.a., Fishermen's Village overall properties, lying in Section 12, Township 42 South, Range 22 East, City of Punta Gorda, Florida, and more particularly bounded and described in Exhibit "A" attached hereto and incorporated herein, from Neighborhood Center (NC) to Planned Development Neighborhood (PDN) and from Neighborhood Residential 15 units per acre (NR-15) to Planned Development Neighborhood (PDN); approving the conceptual site plan; Providing for certain modifications to the regulations applicable to the Planned Development Neighborhood zoning classification; Providing that any previously approved Planned Development Ordinance(s) for the subject property which is in conflict with the new ordinance are hereby repealed; Providing for conflict and severability; and Providing an effective date. The applicant has requested a continuance to the February 15, 2023 meeting.

***Exhibits:***

Cover Page
Continuance Request
November 4, 2022, Proof of Publication
November 11, 2022, Proof of Publication
November 4, 2022, Proof of Property Posting
Staff Report
Presentation
Application
Ordinance
Current Zoning
Proposed Zoning
Applicant's Presentation
Sunset Breeze Intervenor Documents
Starboard Point Intervenor Documents

Item continued to April 19, 2023.

3.c GA-02-2023 - An Ordinance Of The City Council Of The City Of Punta Gorda, Florida, Amending Chapter 15, "Offenses And Miscellaneous Provisions," Punta Gorda Code; Amending Chapter 15, Section 15-1, "Definitions," Punta Gorda Code; Amending Chapter 15, Section 15-37, "Carrying Concealed Weapons, Penalty; Officer To Arrest Without Warrant And Upon Probable Cause," Punta Gorda Code; Amending Chapter 15, Section 15-38, "Improper Exhibition Of Dangerous Weapons Or Firearms; Penalty," Punta Gorda Code; Providing For Conflict And Severability; and providing an effective date. FIRST READING

***Exhibits:***
Cover Page
Proof of Publication
Proposed Ordinance

City Attorney Levin read the ordinance by title, explaining same would delete certain definitions and provisions which had been superseded by State Statutes.
**Mayor Matthews** opened the floor for public comment.
Mr. Tim Ritchie commended City Council for eliminating these provisions.
**Mayor Matthews** called three times for public comment.
Councilmember Lockhart **MOVED** to close the public hearing, **SECONDED** by Councilmember Kuharski.
**MOTION UNANIMOUSLY CARRIED.**
Councilmember Dryburgh **MOVED** approval of GA-02-2023, **SECONDED** by Councilmember Kuharski.
**MOTION UNANIMOUSLY CARRIED.**

3.d CP-05-2022 - An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to reflect the change in the current designation of Highway Commercial Corridor (HCC) to Medium Density Residential (MDR) for 28.53+/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East, being a portion of the parcel described in Official Record Book 3642, Page 473, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; Providing for conflict and severability; and Providing an effective date. FIRST READING

***Exhibits:***
Cover Page
December 2, 2022, Notice of Public Hearing
December 2, 2022, Proof of Property Posting
Staff Report
Presentation
Application
Ordinance
Current Future Land Use Map
Proposed Future Land Use Map
Applicant's Presentation

City Attorney Levin read the ordinance by title.
Ms. Hannon entered the staff report into the record by reference, stating the City received a petition to amend the Comprehensive Plan Future Land Use Map from Highway Commercial Corridor to Medium Density Residential. She reviewed the policies and objectives that were consistent with the applicable 2040 Comprehensive Plan (2040 Plan) Elements as well as the concurrency requirements for roadway, potable water, sanitary sewer, stormwater and drainage facilities as well as solid waste removal, parks and recreation and public schools. She presented staff's findings and conclusions, noting the Planning Commission and Urban Design Division staff recommended approval with the stated conditions.
**Councilmember Kuharski** inquired as to a plan for transferring density units to the project.

Ms. Hannon replied same would be handled through the County's density unit transfer process.
**Mayor Matthews** inquired as to who would make improvements to Indian Springs Cemetery Road.
Ms. Hannon replied the applicant would be responsible for same.
Mr. Mitchell Austin, Principal Planner, explained a study suggested reconfiguration of the intersection of Taylor Road and north Jones Loop Road due to safety concerns, noting Indian Springs Cemetery Road would become a relief road. He opined locating the primary entrance for this project on Indian Springs Cemetery Road made sense in the long term.
Ms. Geri Waksler, applicant's representative, stated she would make a single presentation for CP-05-2022 and PD-06-2022. She presented information regarding the Comprehensive Plan and rezoning requests, noting the proposed mixed-use community would offer apartment, attached-villa and single-family housing together with the ability to develop up to 504,000 square feet on the remaining 63 commercial acres. She stated the applicant rejected staff's suggestion to locate the primary entrance on Indian Springs Cemetery Road based on an unfunded long-term plan, pointing out the road's width was insufficient, its intersection with Taylor Road was at an odd angle and visibility of the project would be insufficient. She suggested it was inequitable to require the applicant to relocate the primary entrance from Taylor Road and to fund improvements to Indian Springs Cemetery Road, adding secondary access was located on Jones Loop Road. She indicated the requested density of 5.12 units per acre was just above the upper limit of low residential density of 5 units per acre and would increase both the project's viability as well as commercial development in the area. She reported the traffic study indicated the existing roadway network would accommodate current traffic as well as traffic generated by the development. She joined in staff's analysis and conclusions with the exception of relocation of the primary access, concluding by requesting approval of the Comprehensive Plan amendment and the Planned Development.
**Councilmember Lockhart** questioned if the property could be developed based on its unusual shape.
Ms. Waksler replied affirmatively, anticipating stormwater management would be placed on the north of the site.
**Councilmember Kuharski** opined the developer should pursue a Costco in the area.
Ms. Waksler responded there would be sufficient space for a Costco in that location if they desired to develop there. She noted Costco had examined properties in the area; however, some of the focus had been further south in order to attract Fort Myers residents.
**Mayor Matthews** inquired where the density would come from.
Ms. Waksler stated most density came from east Charlotte County from agricultural plats with density associated with them.
**Mayor Matthews** concurred with the need for a secondary entrance. She then inquired as to the proposed building heights.
Ms. Waksler replied the plans showed 38 feet.
**Mayor Matthews** estimated there were 25,000 new residential units coming, voicing concern there was insufficient commercial to support them.
Ms. Waksler responded a significant amount of commercial was proposed.
**Mayor Matthews** opened the floor for public comment.

Ms. Debra Lutz stated City Council repeatedly stated commercial properties were needed but they continued to make exceptions to allow more residential, expressing preference to pursue greater commercial development.
Mr. Tim Ritchie expressed concern regarding the environmental impact of the proposed development.
Ms. Kay Abbs asserted there was no room for a Costco.
Ms. Waksler drew members' attention to the aerial view of the property, particularly a parcel set aside to accommodate development of a big-box store.
**Mayor Matthews** called three times for public comment.
Councilmember Lockhart **MOVED** to close the public hearing, **SECONDED** by Councilmember Peterman.
**MOTION UNANIMOUSLY CARRIED.**
**Councilmember Lockhart** received clarification from Ms. Hannon that the applicant was not proposing to access Indian Springs Cemetery Road.
Mr. Austin explained staff's recommendation to relocate the primary access to Indian Springs Road was based on a long-term plan which may eliminate full median access to the entrance on Taylor Road as well as the existing condition of the traffic signal at Jones Loop Road and Indian Springs Cemetery Road. He reiterated staff was recommending one access be on Indian Springs Cemetery Road in addition to the access on Jones Loop Road.
Ms. Waksler opined it was not appropriate to place an entrance from the project on Indian Springs Cemetery Road, suggesting it was more realistic for the commercial development to install an access road just south of the property line for access to Indian Springs Cemetery Road. She asserted it was not appropriate to place the onus of improving Indian Springs Cemetery Road on the residential project.
Discussion continued regarding staff's recommendation to relocate the Taylor Road access point to Indian Springs Cemetery Road.
Councilmember Kuharski **MOVED** approval of CP-05-2022, with staff's conditions, **SECONDED** by Councilmember Dryburgh.
**VOTING AYE:** Matthews, Dryburgh, Kuharski, Peterman.
**VOTING NAY:** Lockhart.
**MOTION CARRIED.**

3.e PD-06-2022 - An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning property addressed as 9298 MacEver Street, containing 28.53 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East, being a portion of the parcel described in Official Record Book 3642, Page 473, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; from Highway Commercial (HC) to Planned Development Neighborhood (PDN); Providing for certain modifications to the regulations applicable to the Planned Development Neighborhood zoning classification; Providing for conflict and severability; and Providing an effective date. FIRST READING

***Exhibits:***
Cover Page
December 2, 2022, Proof of Property Posting
Staff Report
Presentation
Application

Ordinance
Current Zoning
Proposed Zoning
Applicant's Presentation

City Attorney Levin read the ordinance by title.
Ms. Hannon entered the staff report into the record by reference. She stated the City received a petition to rezone the property to Planned Development Neighborhood, noting this was a companion application to CP-05-2022. She stated the request was for approval of a conceptual site plan including up to 146 single-family lots, a community recreation area, on-site parking, a pedestrian circulation system and a stormwater management system. She reviewed staff's findings, including the proposal's conformity with policies in the 2040 Plan, and conclusions. She noted staff's conditions included changing ingress/egress from Taylor Road to Indian Springs Cemetery Road, addressing all water/wastewater requirements prior to DRC approval, transferring 146 density units to the property and requirements of staff report are considered as conditions for approval to be reviewed at the time of development plan submittal. She noted the Planning Commission and Urban Design Division staff recommended approval with the stated conditions.
City Attorney Levin inquired if changing the ingress/egress was a needed recommendation or simply a preference of staff.
Ms. Hannon replied it was a preference of staff.
**Councilmember Kuharski** received confirmation from Mr. Austin that transferring density units from agricultural land protected agricultural lands as they would no longer have density for development.
Ms. Waksler requested her comments from the hearing for CP-05-2022 be incorporated under oath into this public hearing. She joined in staff's analysis as same pertained to consistency with the Comprehensive Plan and compliance with the requirements for a rezoning, requesting approval of the Planned Development.
**Mayor Matthews** opened the floor for public comment.
Ms. Debra Lutz requested her remarks from the public hearing for CP-05-2022 be incorporated under oath, expressing concern regarding the proposed density and potential adverse impacts on the environment.
**Mayor Matthews** called three times for public comment.
Councilmember Dryburgh **MOVED** to close the public hearing, **SECONDED** by Councilmember Kuharski.
**MOTION UNANIMOUSLY CARRIED.**
**Mayor Matthews** stated she received confirmation Costco had plans to develop a location at the north end of Charlotte County, noting they required 200,000 residents with a median income of $75,000 within a 5-mile area.
Councilmember Kuharski **MOVED** approval of PD-06-2022 with staff's conditions except the requirement for an additional ingress at Indian Springs Cemetery Road, **SECONDED** by Councilmember Dryburgh.
**VOTING AYE:** Dryburgh, Kuharski, Peterman.
**VOTING NAY:** Matthews, Lockhart.
**MOTION CARRIED.**

4) ORDINANCES / RESOLUTIONS (No Public Hearing Required)

4.a ZA-08-2022: Ordinance of the City Council of The City of Punta Gorda, Florida, Amending Chapter 26, Article 11, "Sign Code," Punta Gorda Code; Amending 26, Article 11, Section 11.4 "Definitions," Punta Gorda Code; Amending Chapter 26, Article 11, Section 11.5, "Prohibited Signs," Punta Gorda Code; providing for conflict and severability; and providing an effective date. SECOND READING

***Exhibits:***
Cover Page
Proposed Ordinance
Notice of Public Hearing

City Attorney Levin read the ordinance by title.
Councilmember Lockhart **MOVED** approval of ZA-08-2022, **SECONDED** by Councilmember Peterman.
**MOTION UNANIMOUSLY CARRIED.**

5) CONSENT AGENDA

Councilmember Lockhart **MOVED** approval of the Consent Agenda, **SECONDED** by Councilmember Dryburgh.
**MOTION UNANIMOUSLY CARRIED.**

5.a Approval of Minutes: January 4, 2023, Regular City Council Meeting

***Exhibits:***
Cover Page
January 4, 2023, Minutes

5.b Invoice of Persson, Cohen & Mooney, P.A. for legal services rendered in December 2022 in the amount of $814.00

***Exhibits:***
Cover Page
Invoice #2951 in the amount of $814

6) REGULAR AGENDA

6.a Legislative Priorities Discussion

***Exhibits:***
2023 Legislative Priorities
Cover Page
Emergency Operations Center Capital Improvement Program Sheet
Septic to Sewer Preliminary Design Report
Vacation Rental Memorandum
Wastewater Treatment Plant Capital Improvement Program Sheet

**Mayor Matthews** stated she and City Manager Murray had multiple discussions with the City's lobbyist, noting one local delegation member was strongly opposed to the request for funding for the Emergency Operations Center. She suggested a request for funding for the Wastewater Treatment Plant (WWTP) Expansion project be submitted instead.
**Councilmembers Lockhart** and **Dryburgh** concurred.

City Manager Murray noted local utility funds of approximately $5 million were required, adding the Septic-to-Sewer project could also be discussed but would be a heavier lift.
**Mayor Matthews** noted the WWTP Expansion project was a need rather than a want like the Septic-to-Sewer project, opining there was a strong likelihood the legislature would not consider funding the Septic-to-Sewer project.
Consensus of Council was to add a request for $5 million for the WWTP Expansion project to the City's list of legislative priorities.

7) BOARDS / COMMITTEE

7.a Announcement of Vacancies: Board of Zoning Appeals (1 regular and 2 alternates)
***Exhibits:***
Cover Page

City Clerk Smith announced the continuing vacancies.

7.b Announcement of Vacancies: Code Enforcement Board (2 regular and 2 alternates)
***Exhibits:***
Cover Page

City Clerk Smith announced the continuing vacancies.

7.c Announcement of Vacancies: Historic Preservation Advisory Board (2 alternates)
***Exhibits:***
Cover Page

City Clerk Smith announced the continuing vacancies.

7.d Announcement of Vacancies: Planning Commission (1 alternate)
***Exhibits:***
Cover Page
Weekes Resignation

City Clerk Smith announced the continuing vacancy.

7.e Appointment: Punta Gorda Isles Canal Advisory Committee (1 regular)
***Exhibits:***
Cover Page
Faldetta Application
Fuller Application
Kraft Application
Kwak Application
Taylor Application

City Clerk Smith distributed voting sheets.
Mr. Gene Fuller received the most votes and was thus appointed to the Committee.

7.f Appointments: Utility Advisory Board (2 regular)
***Exhibits:***

Cover Page
Walberg Application
Feneran Application
Rogers Application

City Clerk Smith distributed voting sheets.
Messrs. Thomas Feneran and David Rogers received the most votes and were thus appointed to the Board.

## 8) REPORTS FROM CITY OFFICERS

### 8.a City Manager

City Manager Murray confirmed the first City Council meeting in April 2023 conflicted with the Legislative Session in Tallahassee, noting he, Mayor Matthews and Councilmembers Lockhart and Kuharski planned to attend. He indicated dates would be presented to reschedule that meeting.

### 8.a City Attorney

City Attorney Levin noted City Council had expressed a desire to receive presentations in advance of the agenda being published, which presented difficulties for applicants and intervenors in quasi-judicial public hearings. He questioned if Council was interested in adopting a resolution to establish deadlines for submission of documents in quasi-judicial public hearings to clarify requirements for all parties.
Discussion ensued regarding the timeline for submission of documents for quasi-judicial public hearings and the Fishermen's Village applications in particular, as well as the need for intervenors to be able to review an applicant's presentation in order to prepare their own presentation.

### 8.a City Clerk

No report.

## 9) COUNCIL MEMBER COMMENTS

### 9.a Mayor

**Mayor Matthews** confirmed all Councilmembers planned to attend the State of the City presentation on January 25, 2023. She noted on January 26, 2023, the Florida Department of Transportation would hold a public hearing for the US 41 Corridor, Team Punta Gorda would hold its annual meeting and the Military Heritage Museum would host a ribbon cutting for the Huey helicopter.

## 9.a Councilmembers

**Councilmember Dryburgh** stated he had attended the Southwest Florida Regional Planning Council (SWFRPC) meeting, noting one group was seeking to disband the SWFRPC and another sought to change its name.

**Mayor Matthews** stated a joint meeting of the Sarasota-Manatee and Charlotte County-Punta Gorda (CCPG) Metropolitan Planning Organization (MPO) boards to discuss constructing an additional I-75 exit near Veterans Boulevard to offer additional access during evacuations was scheduled for Monday, January 23, 2023, at 11:00 a.m. in Venice, adding a joint meeting of the Lee County and CCPG MPO boards to discuss constructing an additional I-75 exit near Del Prado Boulevard would be held in February 2023.

## ADJOURNMENT

The meeting adjourned at 12:15 p.m.

_____
Mayor

_____
City Clerk

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**CONSENT AGENDA**

| | |
|---|---|
| **Title:** | Invoice of Allen, Norton & Blue, P.A. for legal services rendered on October 25, 2022 in the amount of $150.00 |
| **Funds:** | General |
| **Recommended Action:** | City Council approval |
| **Summary:** | All invoices for legal services rendered to the City are brought to Council for approval. Allen, Norton & Blue, P.A. provides advanced Employment Law-related legal counsel. Fiscal year expenses, including this invoice total $1,975.00. |
| **Department/Division:** | City Manager |

**EXHIBITS:**

1. Invoice 167921 in the amount of $150.00

ALLEN NORTON & BLUE
PROFESSIONAL ASSOCIATION
121 Majorca Ave., Coral Gables, FL 33134
305-445-7801
EIN: 59-1287650

November 7, 2022

Invoice No. 167921

City of Punta Gorda
Jeff Payne, Interim HR Manager
Attn: Jeff Payne,
HR Manager
326 West Marion Avenue
Punta Gorda, FL 33950-449

---

# INVOICE SUMMARY

For Professional Services Rendered through October 31, 2022

**Client-Matter: 1731-00000**

**RE: Re: General Matters**

| | |
|---|---|
| Total Professional Fees | $ 150.00 |
| Total Expenses | $ .00 |
| **TOTAL THIS INVOICE** | **$ 150.00** |
| Previous Balance | $ 430.24 |
| **TOTAL BALANCE DUE** | **$ 580.24** |

Invoice No. 167921 November 7, 2022

**PROFESSIONAL SERVICES**

| Date | TKPR | Description | Hours | Amount |
|---|---|---|---|---|
| 10/25/22 | BK | Email correspondence with Jeff Payne re: conditional offer to applicant with multiple negative diluted test results and potential options for handling | .60 | 150.00 |
| | | **TOTAL PROFESSIONAL FEES** | | **$ 150.00** |

**SUMMARY OF PROFESSIONAL SERVICES**

| Name | Staff Level | Hours | Rate | Total |
|---|---|---|---|---|
| Brian Koji | Partner | .60 | 250.00 | 150.00 |
| **Total** | | **.60** | | **$ 150.00** |

**TOTAL THIS INVOICE** **$ 150.00**

Invoice No. 167921 November 7, 2022

**OUTSTANDING INVOICES**

| Invoice Number | Date | Invoice Total | Payments Received | Ending Balance |
|---|---|---|---|---|
| 167894 | 10/14/22 | 430.24 | .00 | 430.24 |

| | |
|---|---|
| Previous Balance | $ 430.24 |
| Balance Due This Invoice | $ 150.00 |
| **TOTAL BALANCE DUE** | **$ 580.24** |

Paid $430.24 on 12/22

**AGED ACCOUNTS RECEIVABLE**

| Current - 30 | 31 - 60 | 61 - 90 | 91 - 120 | Over 120 | Total |
|---|---|---|---|---|---|
| $ .00 | $ 430.24 | $ .00 | $ .00 | $ .00 | $ 430.24 |

ALLEN NORTON & BLUE
PROFESSIONAL ASSOCIATION
121 Majorca Ave., Coral Gables, FL 33134
305-445-7801
EIN: 59-1287650

November 7, 2022

City of Punta Gorda
Jeff Payne, Interim HR Manager
Attn: Jeff Payne,
HR Manager
326 West Marion Avenue
Punta Gorda, FL 33950-449

Invoice No. 167921

---

## REMITTANCE ADVICE

**Client-Matter: 1731-00000**

**RE: Re: General Matters**

| | |
|---|---|
| **BALANCE DUE THIS INVOICE** | **$ 150.00** |
| Previous Balance | $ 430.24 Paid $430.24 12/22 |
| **TOTAL BALANCE DUE** | **$ 580.24** |

**All checks should be made payable to:**
(Please return this advice with payment.)

Allen Norton & Blue, P.A.
ATTN: Accounts Receivable
121 Majorca Avenue
Coral Gables, Florida 33134

**For payment by wire or ACH in USD:**

Name: Allen Norton & Blue, P.A.
Address: 121 Majorca Avenue
Coral Gables, FL 33134
Routing Number: 265270413
Account #: 20001844164
Bank Name: IberiaBank
Bank Address: 2109 Ponce De Leon Blvd.,
Coral Gables, FL 33134
Telephone Number: 305-442-9991

*Please reference: Invoice 167921, File # 1731 - 00000*

## INVOICES ARE PAYABLE UPON RECEIPT

***Proudly Representing Management for Over 50 Years***

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**CONSENT AGENDA**

| | |
|---|---|
| **Title:** | Invoice of Allen, Norton & Blue, P.A. for legal services rendered on December 31, 2022 in the amount of $4,804.08. |
| **Funds:** | General |
| **Recommended Action:** | City Council approval |
| **Summary:** | All invoices for legal services rendered to the City are brought to Council for approval. Allen, Norton & Blue, P.A. provides advanced Employment Law-related legal counsel. Fiscal year expenses, including this invoice total $6,779.08. |
| **Department/Division:** | City Manager |

**EXHIBITS:**

1. Invoice 168870 in the amount of $4,804.08

ALLEN NORTON & BLUE
PROFESSIONAL ASSOCIATION
121 Majorca Ave., Coral Gables, FL 33134
305-445-7801
EIN: 59-1287650

January 6, 2023

Invoice No. 168870

City of Punta Gorda
Jeff Payne, Interim HR Manager
Attn: Jeff Payne,
HR Manager
326 West Marion Avenue
Punta Gorda, FL 33950-449

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# INVOICE SUMMARY

For Professional Services Rendered through December 31, 2022

**Client-Matter: 1731-00000**

**RE: Re: General Matters**

| | |
|---|---|
| Total Professional Fees | $ 4,725.00 |
| Total Expenses | $ 79.08 |
| **TOTAL THIS INVOICE** | **$ 4,804.08** |
| Previous Balance | $ 150.00 |
| **TOTAL BALANCE DUE** | **$ 4,954.08** |

Invoice No. 168870 January 6, 2023

**PROFESSIONAL SERVICES**

| Date | TKPR | Description | Hours | Amount |
|---|---|---|---|---|
| 12/01/22 | BK | Phone conference with Jeff Payne re: Chapter 119 exemption for collective bargaining materials | .30 | 75.00 |
| 12/05/22 | BK | Phone conference with Jeff Payne re: discussion of annual review timing changes, discussion of personnel issue regarding transfer and reorganization, and discussion of update on PBA negotiations and review JP's memo re: annual review date change | .50 | 125.00 |
| 12/06/22 | BK | Review PBA proposed articles forwarded by Jeff Payne | .50 | 125.00 |
| 12/07/22 | BK | Attend PBA bargaining session | .30 | 75.00 |
| 12/12/22 | BK | Review PERC's Notice of Sufficiency regarding PBA Representation petition and emails with Jeff Payne re: same and phone conference with Police Lieutenant and review MOU from 2012 for applicability | .70 | 175.00 |
| 12/12/22 | BK | Phone conference with Jeff Payne re: sick bank not applicable to pregnancy | .10 | 25.00 |
| 12/12/22 | BK | Review PBA's Representation Petition to represent Lieutenants and PERC's acknowledgment letter | .20 | 50.00 |
| 12/13/22 | BK | Prepare Answer to PBA's RC Petition and research re: Managerial Notice to Employees, and review MOU and statutory provisions for managerial and confidentiality designations | 2.00 | 500.00 |
| 12/14/22 | BK | Revise PERC Notice of Appearance in PBA's Representation Petition matter | .10 | 25.00 |
| 12/14/22 | BK | Extended videoconference with City Manager and HR Manager re: PBA certification petition, evidence needed, strategy for hearing, and response to petition | 1.00 | 250.00 |
| 12/14/22 | BK | Review PERC notice of hearing and pre-hearing procedures and email with City re: same | .40 | 100.00 |
| 12/14/22 | BK | Discussion with W.R.A. re: circumstances which led to 2011 MOU and creation of lieutenant position and possible applicability to current PBA PERC petition | .40 | 100.00 |
| 12/14/22 | BK | Revise Answer to PBA Petition re: detective lieutenant | .10 | 25.00 |
| 12/14/22 | BK | Prepare comprehensive email to Jeff Payne re: additional documentation needed in advance of PBA hearing with PERC | .50 | 125.00 |
| 12/14/22 | BK | Review 2011 file creating lieutenant position for relevance to current PBA petition position | .40 | 100.00 |
| 12/14/22 | WRA | Attorney's conference with BK re Lieutenants in PD as Managerial. | .60 | 150.00 |
| 12/15/22 | BK | Review PERC order directing response to PBA's Lieutenant's petition and emails with City re: same | .30 | 75.00 |
| 12/15/22 | BK | Phone conference with Jeff Payne re: updating Article 15 for new policy on anniversary date for new hires and email with Jeff re: same and review draft new Article 15 | .30 | 75.00 |

Invoice No. 168870 January 6, 2023

| Date | TKPR | Description | Hours | Amount |
|---|---|---|---|---|
| 12/16/22 | BK | Discussion with M.M.C. re: managerial employee criteria and research for petition response | .50 | 125.00 |
| 12/16/22 | MMC | Discussion re research for police/lieutenant representation petition | .70 | 175.00 |
| 12/19/22 | MMC | Researched PERC orders on lieutenant as managerial exceptions | 2.50 | 625.00 |
| 12/20/22 | BK | Review recent PERC case law provided by M.M.C. re: PERC's application of managerial criteria to law enforcement lieutenants | 1.00 | 250.00 |
| 12/20/22 | MMC | Continued research re: PERC orders dealing with lieutenant's as managerial employees | 2.60 | 650.00 |
| 12/22/22 | BK | Research for Answer to Union's Representation Petition re: whether prior agreement by parties is binding on PERC and finalize and file Answer to Union's RC Petition involving Lieutenant classification | 1.70 | 425.00 |
| 12/24/22 | BK | Email with Greg Murray and Jeff Paine re: Answer to PBA's union petition | .30 | 75.00 |
| 12/28/22 | BK | Review comprehensive email from B.F.D. re: Jeff Paine's questions regarding which version of PBA tentative agreement for City Council to ratify | .30 | 75.00 |
| 12/29/22 | BK | Email discussion with B.F.D. re: Jeff Paine's questions regarding which version of PBA tentative agreement for City Council to ratify in light of potential anniversary year change and question regarding newer employee who has abandoned his position | .30 | 75.00 |
| 12/29/22 | BFD | Call with J.P. re: issues re: ratification of PBA cba | .30 | 75.00 |
| | | **TOTAL PROFESSIONAL FEES** | | **$ 4,725.00** |

**SUMMARY OF PROFESSIONAL SERVICES**

| Name | Staff Level | Hours | Rate | Total |
|---|---|---|---|---|
| Melanie Matamoros Cruz | Associate | 5.80 | 250.00 | 1,450.00 |
| Barron F. Dickinson | Associate | .30 | 250.00 | 75.00 |
| W. Reynolds Allen | Partner | .60 | 250.00 | 150.00 |
| Brian Koji | Partner | 12.20 | 250.00 | 3,050.00 |
| **Total** | | **18.90** | | **$ 4,725.00** |

**EXPENSES**

| Date | Description | Amount |
|---|---|---|
| 12/30/22 | Online research MMC | 79.08 |
| | **TOTAL EXPENSES** | **$ 79.08** |
| | **TOTAL THIS INVOICE** | **$ 4,804.08** |

Invoice No. 168870 January 6, 2023

Invoice No. 168870 January 6, 2023

**OUTSTANDING INVOICES**

| Invoice Number | Date | Invoice Total | Payments Received | Ending Balance |
|---|---|---|---|---|
| 167921 | 11/15/22 | 150.00 | .00 | 150.00 |
| | Previous Balance | | | $ 150.00 |
| | Balance Due This Invoice | | | $ 4,804.08 |
| | **TOTAL BALANCE DUE** | | | **$ 4,954.08** |

**AGED ACCOUNTS RECEIVABLE**

| Current - 30 | 31 - 60 | 61 - 90 | 91 - 120 | Over 120 | Total |
|---|---|---|---|---|---|
| $ .00 | $ 150.00 | $ .00 | $ .00 | $ .00 | $ 150.00 |

ALLEN NORTON & BLUE
PROFESSIONAL ASSOCIATION
121 Majorca Ave., Coral Gables, FL 33134
305-445-7801
EIN: 59-1287650

January 6, 2023

City of Punta Gorda
Jeff Payne, Interim HR Manager
Attn: Jeff Payne,
HR Manager
326 West Marion Avenue
Punta Gorda, FL 33950-449

Invoice No. 168870

---

# REMITTANCE ADVICE

**Client-Matter: 1731-00000**

**RE: Re: General Matters**

| | |
|---|---|
| **BALANCE DUE THIS INVOICE** | **$ 4,804.08** |
| Previous Balance | $ 150.00 |
| **TOTAL BALANCE DUE** | **$ 4,954.08** |

**All checks should be made payable to:**
(Please return this advice with payment.)

Allen Norton & Blue, P.A.
ATTN: Accounts Receivable
121 Majorca Avenue
Coral Gables, Florida 33134

**For payment by wire or ACH in USD:**

Name: Allen Norton & Blue, P.A.
Address: 121 Majorca Avenue
Coral Gables, FL 33134
Routing Number: 265270413
Account #: 20001844164
Bank Name: IberiaBank
Bank Address: 2109 Ponce De Leon Blvd.,
Coral Gables, FL 33134
Telephone Number: 305-442-9991

*Please reference: Invoice 168870, File # 1731 - 00000*

## INVOICES ARE PAYABLE UPON RECEIPT

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**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**CONSENT AGENDA**

| | |
|---|---|
| **Title:** | Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for legal services rendered through, January 25, 2023, in the amount of $8,786.25. |
| **Funds:** | General |
| **Recommended Action:** | City Council approval |
| **Summary:** | Invoices for legal services, including City Attorney invoices are brought before Council for approval. Fiscal year-to-date expense total $43,187.75. |
| **Department/Division:** | City Manager |

**EXHIBITS:**

1. Invoice 309139 in the amount of $8,786.25

ICARD, MERRILL, CULLIS, TIMM,
FUREN & GINSBURG, P.A.
2033 MAIN STREET, SUITE 600
SARASOTA, FLORIDA 34237
TELEPHONE (941) 366-8100
Fed ID #65-0048499

REPLY TO: P.O. BOX 4195
SARASOTA, FLORIDA 34230

City of Punta Gorda, Florida
City Hall Annex
326 West Marion Avenue
Punta Gorda, FL 33950

Invoice # 309139
January 25, 2023

Re: General — 50023-070745 - DML

For Services Rendered Through 1/25/2023

**Fees**

| Date | Hours Atty | Description |
|---|---|---|
| 12/29/22 | 3.25 DML | 1) Review and revise draft Resolution regarding amended Event Manual; 2) Review and revise draft Resolution regarding MAC Grant for Marina Pumpout Boat; 3) Review and revise draft Resolution regarding FDEP Grant for Marina Pumpout Boat. |
| 01/03/23 | 4.50 DML | 1) Review agenda materials in preparation for City Council Meeting: 2) Legal research regarding City Clerk's Office structure; 3) Draft email to City Manager regarding City Clerk Office structure pursuant to City Charter. |
| 01/04/23 | 6.75 DML | 1) Final preparation for City Council Meeting; 2) Attend City Council Meeting; 3) Legal research regarding potential conflict with sunshine law concerning City Council bus tour of airport facilities; 4) Draft email regarding proposed City Council bus tour of airport facilities. |
| 01/09/23 | 7.00 DML | 1) Meeting with Lisa Hannon and Joan LeBeau to discuss proposed Fishermen's Village rezoning and comprehensive plan Future Land Use Map amendment; 2) Review submissions of potential Intervenors in Fishermen's Village public hearings for legal sufficiency; 3) Meeting with Neil Peters and Steve Adams to review proposed changes to Agreement with Gulf Seminole Railway; 4) Meeting with City Paralegal to discuss various pending legal matters; 5) Legal research regarding enforcement of failure to pay required Local Business Taxes; 6) Legal research regarding proposed adult entertainment facility. |
| 01/11/23 | 7.25 DML | 1) Review letter from Attorney Mathis regarding proposed Senior Social Center at 311 W. Marion; 2) Fact research to understand nature of proposed computer-based games; 3) Legal research based upon Attorney Mathis' letter; 4) Legal research regarding new Florida Gaming Commission and role in evaluating potential illegal gambling facility; 5) Draft letter to Attorney Mathis requesting further assurances that proposed computer-based games at Senior Social Center are not unlawful under the Florida Family Amusement Games Act. |
| 01/13/23 | 0.75 DML | Telephone conference with City Manager and Lisa Hannon regarding proper procedure for handling Fishermen's Village public hearings following Applicant's request for a continuance. |

City of Punta Gorda, Florida
Re: General

| Date | Hours Atty | Description |
|---|---|---|
| 01/17/23 | 8.00 DML | 1) Respond to emails regarding procedure for Fishermen's Village public hearings; 2) Legal research regarding public records law exemption regarding litigation settlement proposals; 3) Review agenda materials in preparation for City Council Meeting |
| 01/18/23 | 6.25 DML | 1) Final preparation for City Council Meeting; 2) Attend City Council Meeting. |
| 01/23/23 | 7.50 DML | 1) Attend City Manager's weekly Department Heads' Meeting; 2) Meeting with City paralegal to review various pending legal matters; 3) Meeting with Lisa Hannon to discuss proposed deadlines for the filing of relevant documents pertaining to Fishermen's Village public hearings; 4) Meeting with Lisa Hannon to review Charlotte County's request to block access to City's Harborwalk during certain events at the County Event Center; 5) Draft Resolution providing supplemental procedures to the City's existing Resolution on Quasi-Judicial hearings to provide specific deadlines for filing documents pertaining to pending Fishermen's Village public hearings; 6) Review and process documents pertaining to Court Writ of Garnishment with respect to a City employee. |
| 01/24/23 | 2.00 DML | 1) Review and respond to various emails concerning public hearings relating to Fishermen's Village; 2) Finalize and file City's Answer to Writ of Garnishment; 3) Review and respond to public records request. |

| | | |
|---|---|---|
| **Total Hours: 53.25** | **Total Fees @ $165/hr =** | **8,786.25** |
| Total Due This Invoice | | 8,786.25 |

PLEASE INDICATE INVOICE # ON YOUR PAYMENT CHECK

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**CONSENT AGENDA**

| | |
|---|---|
| **Title:** | **SV-04-2022** - A resolution of the City Council of the City of Punta Gorda, Florida, declaring its intent to consider vacating a 10-foot wide easement as described in Official Record Book 773, Pages 1649 through 1651, Charlotte County Public Records; and lying in Section 21, Township 41 South, Range 23 East, Charlotte County, Florida, and further bounded and described in Exhibit "A", attached hereto and incorporated herein; requesting a recommendation from the Planning Commission; fixing a public hearing thereon; and Providing an effective date. |
| **Funds:** | Not applicable |
| **Recommended Action:** | Urban Design staff recommends approval of the resolution. |
| **Summary:** | Staff is in receipt of a petition to vacate the 10-foot easement within the Seagrass Subdivision project, located south of Jones Loop Rd between US 41 and Indian Springs Cemetery Rd, see attached map. |
| **Department/Division:** | Urban Design |

**EXHIBITS:**

1. Application
2. Resolution
3. Location Map

CITY OF PUNTA GORDA

URBAN DESIGN
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-3352
FAX: (941) 575-3310
Zoning@CityofPuntaGordaFL.com
UrbanDesign@CityofPuntaGordaFL.com

# VACATION APPLICATION

| Application Fee: **$750** | Date Received: | File #: SV |
|---|---|---|

Type of Vacation: ☐ Street ☐ Alley ☒ Easement ☐ Plat ☐ Right-of-Way

NOTE: As of January 1, 2004, Public Works is NOT recommending approval of street/right-of-way vacations, reserving availability for stormwater management.

**Office use only:**

| Ad Date | | DRC | | Planning | | City Council | |
|---|---|---|---|---|---|---|---|

**Application and all pertinent required data (listed below) MUST be submitted with this application**

☒ ORIGINAL application with Signed & Notarized Vacation application and/or Affidavit Authorization for Agent (if applicable)

☒ A copy of the deed or other evidence of ownership

☒ Complete legal description of the portion of property to be vacated

☒ Digital Text file of metes and bounds description of Property

☒ Petition signed by the owners of at least sixty percent (60%) of the property abutting the portion of the street or right-of-way proposed to be vacated

☒ Signed and sealed boundary survey, completed no more than 12 months prior to the application that accurately shows the current condition of the property to include all existing streets, watercourses, natural feature, vegetation and topography and exact location of all buildings and structures.

☒ Survey MUST show ALL Easements, Dedications & Improvements

☒ Survey must have a metes and bounds description of the property showing water and sewer main locations and fire hydrant locations

☒ Date of Survey:_____

☒ Total Acreage of Property _____

☒ Square Footage_____

☒ An explanation of the proposed project, site plan showing building footprints, parking and traffic circulation areas, water and sewer connection locations, and landscaping (if applicable).

In addition to the original application a CD/DVD of ALL supporting documentation needs to be submitted in a separate PDF, appropriately identified by name.

**In order that this application be processed in a timely fashion, the correct and complete information is necessary. It is suggested that the applicant bring the application to the Zoning & Code Compliance Division, 126 Harvey St., Punta Gorda, Florida 33950, where it can be reviewed by the staff prior to filing. The Zoning & Code Compliance Division accepts no responsibility for the completeness or accuracy of the application. Errors in the filed application may result in delays with respect to required public hearings. All data and exhibits submitted in connection with the filing of this application become a permanent part of the public record**

**IMPORTANT: The applicant or his representative MUST be present at the hearing. There will be a fee of $500.00 for a Voluntary Continuance (a request by the applicant to continue a petition before the appropriate board or council, or by the failure of the applicant to attend or be represented at the appropriate meeting).**

## 1. Applicant

| Name: DR Horton, Inc. | | | | | |
|---|---|---|---|---|---|
| Address: 10541 Six Mile Cypress Pkwy | City: Fort Myers | State: FL | Zip: 33966 | | |
| Phone: 239-225-2631 | Email address jweverett@drhorton.com | | | | |

| 2. Owner(s) of Record | | | | | | |
|---|---|---|---|---|---|---|
| Name: **Jones Loop Road, LLC** | | | | | | |
| Address: 999 Vanderbilt Beach Rd., #701 | City: | Naples | State: | FL | Zip: | 34108 |
| Phone: 239-540-2002 | Email address steve@terracapmgmt.com | | | | | |

| 3. Authorized Agent – (if applicable – Property Owner must sign AGENT Affidavit below) | | | | | | |
|---|---|---|---|---|---|---|
| Name: Banks Engineering | | | | | | |
| Address: 4161 Tamiami Trl **Bldg 5** | City: | Port Charlotte | State: | FL | Zip: | 33952 |
| Phone: **941-625-1165** | Email address trebol@bankseng.com | | | | | |

**4. Legal Description of Property (Attach separate sheet if necessary)**
****Note: A digital TEXT file of metes and bounds description of property MUST be submitted on a CD/DVD*****

| Parcel ID /Account # | Lot # | Block# | Section | Total Sq. Feet | Total Acres |
|---|---|---|---|---|---|
| SEE LIST ATTACHED | | | | | |

**5. Detail narrative describing reason/purpose of Vacation (use additional sheet as necessary)**

All of the existing lots and streets have been vacated via Resolutions 3609-2021 and 3610-2021. Approved Utility plans no longer need these easements since the entire area is being re-platted and re-developed as a single family community. New rights-of-way, easements, and lots will be provided with the new plat. This request is to vacate two separate instrument easements recorded in ORB 773, Pages 1649-1651 and ORB 774, Pages 649-650. An application and fee is being submitted for each of these easements.

THIS APPLICATION IS TO VACATE ORB 773, PAGES 1649-1651

I, the undersigned, being first duly sworn, testify and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of all of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary material attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners.

**AFFIDAVIT**

Signature of Owner or Authorized Agent

WALTER S. HAGENBUCKLE
Print Name & Title

10/12/22
Date

STATE OF FLA )
COUNTY OF Collier )

The foregoing instrument was acknowledged before me this 12 day of Oct 2022, by Walter S Hagenbuckle who is personally known to me or who has produced (n/a) as identification and who did not take an oath.

Susan H Ferrer
Notary Public, State of Florida

7/19/2023
My commission Expires

Notary Public State of Florida
Susan H Ferrer
My Commission GG 340513
Expires 07/19/2023
(Seal)

## AGENT AFFIDAVIT (Property Owner to complete ONLY if applicable)

I/We Jones Loop Road, LLC, property owner(s), hereby authorize Banks Engineering to act as ***Agent*** on our behalf regarding a VACATION APPLICATION on the property commonly known as Seagrass in Punta Gorda, Florida.

JONES LOOP LLC
WALTER S. HAGENBUCKLE — 10/12/2022

Signature of Property Owner | Print Name of Property Owner | Date

STATE OF FLA )
COUNTY OF Collier )

The foregoing instrument was acknowledged before me this 12 day of Oct., 2022, by Walter S Hagenbuckle who is personally known to me or who has produced (n/a) as identification and who did not take an oath.

Susan H Ferrer — 7/19/2023

Notary Public, State of Florida | My commission Expires

(Seal) Notary Public State of Florida
Susan H Ferrer
My Commission GG 340813
Expires 07/19/2023

City of Punta Gorda

Resolution No. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, DECLARING ITS INTENT TO CONSIDER VACATING A 10 FEET WIDE EASEMENT AS DESCRIBED IN OFFICIAL RECORD BOOK 773, PAGES 1649 THROUGH 1651, CHARLOTTE COUNTY PUBLIC RECORDS; AND LYING IN SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, AND FURTHER BOUNDED AND DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN; REQUESTING A RECOMMENDATION FROM THE PLANNING COMMISSION; FIXING A DATE OF PUBLIC HEARING THEREON; AND PROVIDING AN EFFECTIVE DATE.

KNOW ALL MEN BY THESE PRESENTS, that the City Council of the City of Punta Florida, hereby resolves that:

I. Pursuant to the provisions of Chapter 20, Section 20-9, Punta Gorda Code, the Punta Gorda City Council will consider a petition filed by Banks Engineering, authorized agent, on behalf of Jones Loop Road, LLC, property owner, to vacate 4,617 +/- square feet (0.106 +/- acres), a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East and being further bounded and described in Exhibit "A" attached hereto and incorporated herein.

II. The City of Punta Gorda Planning Commission is hereby requested to review the petition at its regularly scheduled meeting of February 27, 2023, and forward a recommendation thereon to City Council.

III. A Public Hearing on the petition will be held before the City Council on March 15, 2023, at 9:00 a.m. in Council Chambers located at 326 West Marion Avenue, Punta Gorda, Florida. Notice of said Public Hearing shall be published in the newspaper and mailed to abutting property owners pursuant to Section 20-9 of the Punta Gorda Code.

DONE in regular session of the City Council of the City of Punta Gorda, Florida, this 1st day of February 2023.

_____
LYNNE R. MATTHEWS, Mayor

ATTEST:

_____
KAREN SMITH, City Clerk

APPROVED AS TO FORM:

_____
DAVID M. LEVIN, City Attorney

Exhibit "A"

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTION 21, T-41-S, R-23-E,
CHARLOTTE COUNTY, FLORIDA.

(10 FEET WATERLINE EASEMENT TO BE VACATED)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING A 10 FEET WIDE EASEMENT FOR WATERLINE AND ANCILLARY FACILITIES AS DESCRIBED IN OFFICIAL RECORDS BOOK 773, PAGES 1649 THROUGH 1651, CHARLOTTE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 21; THENCE S.88°42'52"E. (FOR A BASIS OF BEARINGS) ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 21 FOR 1324.71 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF ORANGE STREET, SAID LINE ALSO BEING THE WEST LINE OF LOT 295, SOUTH-HIGHLANDS, AS DEPICTED IN PLAT BOOK 2, PAGE 6, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE S.00°31'22"W. ALONG SAID EAST RIGHT-OF-WAY LINE FOR 25.51 FEET TO THE POINT OF BEGINNING; THENCE S.89°28'38"E. FOR 328.25 FEET; THENCE N.51°51'47"E. FOR 30.41 FEET; THENCE S.89°28'38"E. FOR 103.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SIXTH AVENUE, AS DEPICTED IN SAID PLAT OF SOUTH-HIGHLANDS; THENCE S.00°31'22"W. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 10.00 FEET; THENCE N.89°28'38"W. FOR 99.50 FEET; THENCE S.51°51'47"W.FOR 30.41 FEET; THENCE N.89°28'38"W. FOR 331.75 FEET TO A POINT ON THE EXTENSION OF SAID EAST RIGHT-OF-WAY LINE OF SAID ORANGE ROAD, AS DEPICTED ON CHARLOTTE COUNTY GEOGRAPHIC INFORMATION SYSTEM (GIS); THENCE N.00°31'22"E. ALONG SAID EAST RIGHT-OF-WAY LINE FOR 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 4,617 SQUARE FEET, MORE OR LESS.

BANKS ENGINEERING
FLORIDA LICENSED BUSINESS NO. LB6690

OCTOBER 12, 2022

DIGITALLY SIGNED BY:
C. DREW BRANCH




Date:
2022.10.12
10:50:36
-04'00'

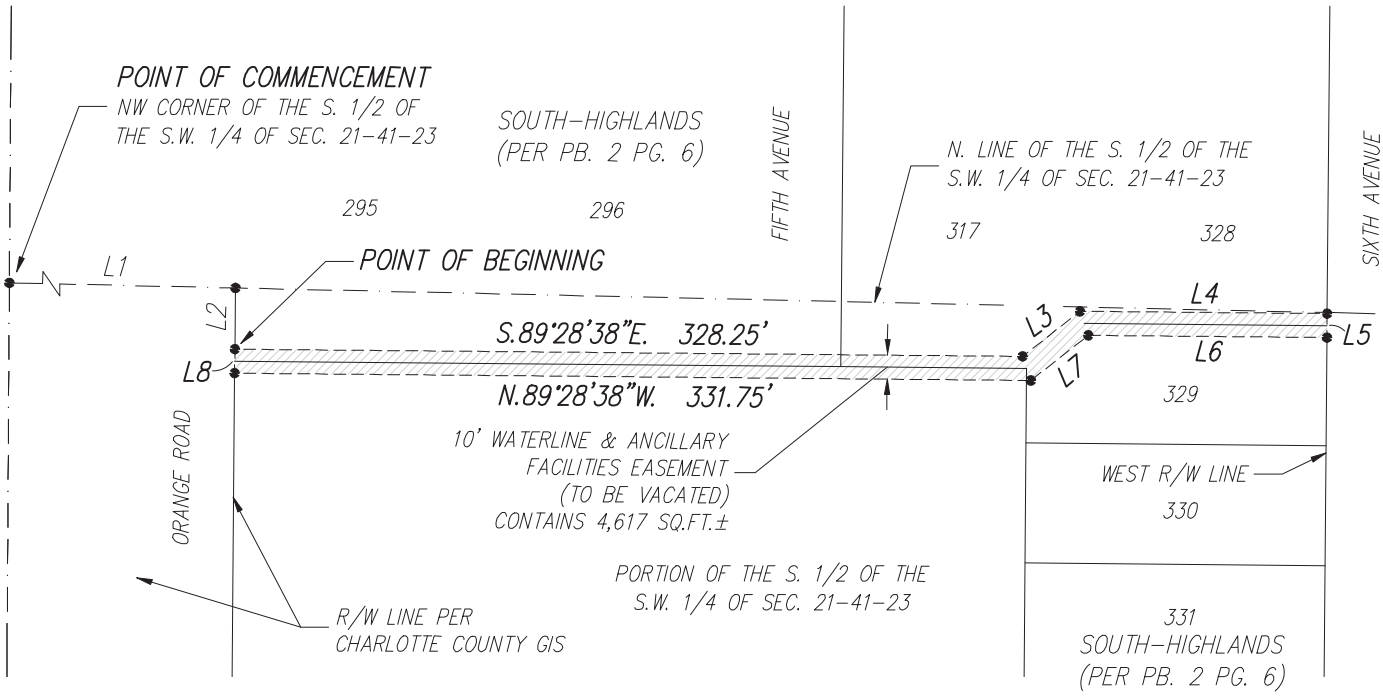
C. DREW BRANCH, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 5542



SERVING THE STATE OF FLORIDA

4161 Tamiami Trail – Building 5, Unit 501, Port Charlotte, FL 33952
(941) 625-1165 • Fax (941) 625-1149 www.bankseng.com

# Exhibit "A"




## LINE TABLE

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | S.88°42'52"E. | 1324.71' |
| L2 | S.00°31'22"W. | 25.51' |
| L3 | N.51°51'47"E. | 30.41' |
| L4 | S.89°28'38"E. | 103.00' |
| L5 | S.00°31'22"W. | 10.00' |
| L6 | N.89°28'38"W. | 99.50' |
| L7 | S.51°51'47"W. | 30.41' |
| L8 | N.00°31'22"E. | 10.00' |

## LEGEND

| | |
|---|---|
| PG. | PAGE |
| PB. | PLAT BOOK |
| R/W | RIGHT OF WAY |
| SQ. FT. | SQUARE FEET |
| L1 | LINE 1 OF LINE TABLE |

THIS IS NOT A BOUNDARY SURVEY


BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

4161 TAMIAMI TRAIL – BLDG 5 UNIT 501
PORT CHARLOTTE, FLORIDA 33952
PHONE: (941) 625-1165 FAX: (941) 625-1149

ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

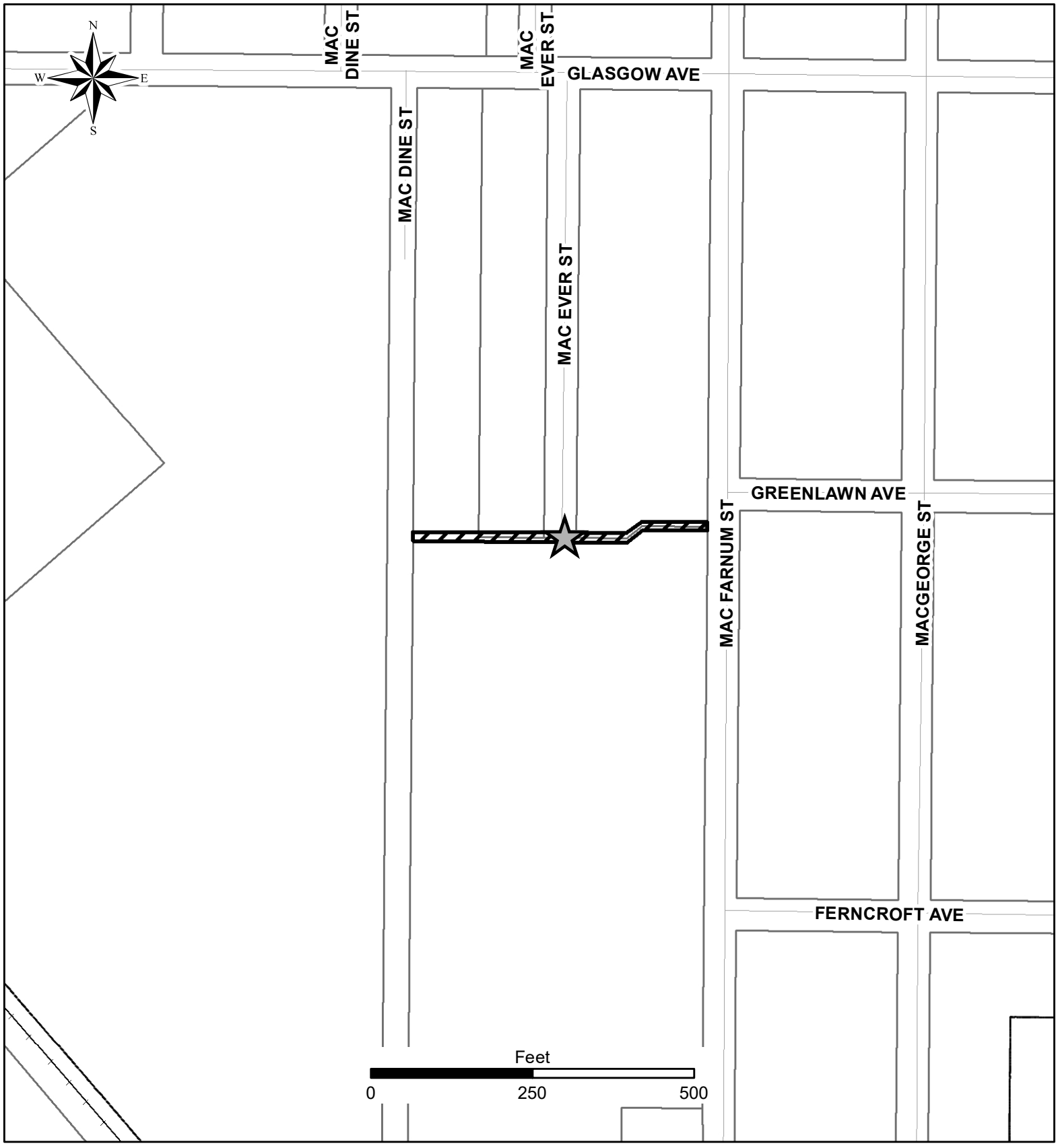
WWW.BANKSENG.COM


SKETCH TO ACCOMPANY DESCRIPTION

**10' WATERLINE EASEMENT TO BE VACATED**

CHARLOTTE COUNTY, FLORIDA

| DATE | PROJECT | DRAWING | DRAWN | CHECKED | SCALE | SHEET | FILE NO. (S-T-R) |
|---|---|---|---|---|---|---|---|
| 10/12/22 | 4199 | SK-OVERALL | JS | CDB | 1"=80' | 2OF2 | 21-41-23 |




City Limits

Subject Parcel

Street

Railroad

Water

Punta Gorda

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**CONSENT AGENDA**

| | |
|---|---|
| **Title:** | **SV-03-2022** - A resolution of the City Council of the City of Punta Gorda, Florida, declaring its intent to consider vacating a 15-foot wide easement as described in Official Record Book 774, Pages 649 through 650, Charlotte County Public Records; and lying in Section 21, Township 41 South, Range 23 East, Charlotte County, Florida, and further bounded and described in Exhibit "A", attached hereto and incorporated herein; requesting a recommendation from the Planning Commission; fixing a date of public hearing thereon; and Providing an effective date. |
| **Funds:** | Not applicable |
| **Recommended Action:** | Staff recommends approval of the resolution. |
| **Summary:** | Staff is in receipt of a petition to vacate existing easements for the Seagrass subdivision development, located south of Jones Loop Rd between US 41 and Indian Springs Cemetery Rd, see attached map. |
| **Department/Division:** | Urban Design |

**EXHIBITS:**

1. Application
2. Resolution
3. Location Map

CITY OF PUNTA GORDA

URBAN DESIGN
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-3352
FAX: (941) 575-3310
Zoning@CityofPuntaGordaFL.com
UrbanDesign@CityofPuntaGordaFL.com

# VACATION APPLICATION

| Application Fee: **$750** | Date Received: | File #: SV |
|---|---|---|

Type of Vacation: ☐ Street ☐ Alley ☒ Easement ☐ Plat ☐ Right-of-Way

NOTE: As of January 1, 2004, Public Works is NOT recommending approval of street/right-of-way vacations, reserving availability for stormwater management.

| **Office use only:** | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Ad Date** | | **DRC** | | **Planning** | | **City Council** | |

**Application and all pertinent required data (listed below) MUST be submitted with this application**

☒ ORIGINAL application with Signed & Notarized Vacation application and/or Affidavit Authorization for Agent (if applicable)

☒ A copy of the deed or other evidence of ownership

☒ Complete legal description of the portion of property to be vacated

☒ Digital Text file of metes and bounds description of Property

☒ Petition signed by the owners of at least sixty percent (60%) of the property abutting the portion of the street or right-of-way proposed to be vacated

☒ Signed and sealed boundary survey, completed no more than 12 months prior to the application that accurately shows the current condition of the property to include all existing streets, watercourses, natural feature, vegetation and topography and exact location of all buildings and structures.

☒ Survey MUST show ALL Easements, Dedications & Improvements

☒ Survey must have a metes and bounds description of the property showing water and sewer main locations and fire hydrant locations

☒ Date of Survey:_____

☒ Total Acreage of Property _____

☒ Square Footage_____

☒ An explanation of the proposed project, site plan showing building footprints, parking and traffic circulation areas, water and sewer connection locations, and landscaping (if applicable).

In addition to the original application a CD/DVD of ALL supporting documentation needs to be submitted in a separate PDF, appropriately identified by name.

**In order that this application be processed in a timely fashion, the correct and complete information is necessary. It is suggested that the applicant bring the application to the Zoning & Code Compliance Division, 126 Harvey St., Punta Gorda, Florida 33950, where it can be reviewed by the staff prior to filing. The Zoning & Code Compliance Division accepts no responsibility for the completeness or accuracy of the application. Errors in the filed application may result in delays with respect to required public hearings. All data and exhibits submitted in connection with the filing of this application become a permanent part of the public record**

**IMPORTANT: The applicant or his representative MUST be present at the hearing. There will be a fee of $500.00 for a Voluntary Continuance (a request by the applicant to continue a petition before the appropriate board or council, or by the failure of the applicant to attend or be represented at the appropriate meeting).**

## 1. Applicant

| Name: DR Horton, Inc. | | | | | |
|---|---|---|---|---|---|
| Address: 10541 Six Mile Cypress Pkwy | City: Fort Myers | State: FL | Zip: 33966 | | |
| Phone: 239-225-2631 | Email address jweverett@drhorton.com | | | | |

| 2. Owner(s) of Record | | | | | | |
|---|---|---|---|---|---|---|
| Name: Jones Loop Road, LLC | | | | | | |
| Address: 999 Vanderbilt Beach Rd., #701 | City: | Naples | State: | FL | Zip: | 34108 |
| Phone: 239-540-2002 | Email address steve@terracapmgmt.com | | | | | |

| 3. Authorized Agent – (if applicable – Property Owner must sign AGENT Affidavit below) | | | | | | |
|---|---|---|---|---|---|---|
| Name: Banks Engineering | | | | | | |
| Address: 4161 Tamiami Trl Bldg. 5 | City: | Port Charlotte | State: | FL | Zip: | 33952 |
| Phone: 941-625-1165 | Email address trebol@bankseng.com | | | | | |

**4. Legal Description of Property (Attach separate sheet if necessary)**
****Note: A digital TEXT file of metes and bounds description of property MUST be submitted on a CD/DVD*****

| Parcel ID /Account # | Lot # | Block# | Section | Total Sq. Feet | Total Acres |
|---|---|---|---|---|---|
| SEE LIST ATTACHED | | | | | |

**5. Detail narrative describing reason/purpose of Vacation (use additional sheet as necessary)**

All of the existing lots and streets have been vacated via Resolutions 3609-2021 and 3610-2021. Approved Utility plans no longer need these easements since the entire area is being re-platted and re-developed as a single family community. New rights-of-way, easements, and lots will be provided with the new plat. This request is to vacate two separate instrument easements recorded in ORB 773, Pages 1649-1651 and ORB 774, Pages 649-650. An application and fee is being submitted for each of these easements.

THIS APPLICATION IS TO VACATE ORB 774, PAGES 649-650

I, the undersigned, being first duly sworn, testify and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of all of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary material attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners.

**AFFIDAVIT**

Signature of Owner or Authorized Agent

WALTER S. HAGENBUCKLE
Print Name & Title

10/12/22
Date

STATE OF FLA )
COUNTY OF Collier )

The foregoing instrument was acknowledged before me this 12 day of Oct, 2022, by Walter S Hagenbuckle, who is personally known to me or who has produced (n/a) as identification and who did not take an oath.

Susan H Ferrer
Notary Public, State of Florida

7/19/2023
My commission Expires

(Seal)
Notary Public State of Florida
Susan H Ferrer
My Commission GG 340513
Expires 07/19/2023

## AGENT AFFIDAVIT (Property Owner to complete ONLY if applicable)

I/We Jones Loop Road, LLC, property owner(s), hereby authorize Banks Engineering to act as ***Agent*** on our behalf regarding a VACATION APPLICATION on the property commonly known as Seagrass in Punta Gorda, Florida.

LONES LOOP LLC
WALTER S. HAGENBUCKLE — 10/12/2022

Signature of Property Owner | Print Name of Property Owner | Date

STATE OF FLA.
COUNTY OF Collier

The foregoing instrument was acknowledged before me this 12 day of Oct., 2022, by Walter S Hagenbuckle who is personally known to me or who has produced (n/a) as identification and who did not take an oath.

Susan H Ferrer — 7/19/2023

Notary Public, State of Florida | My commission Expires

(Seal) Notary Public State of Florida
Susan H Ferrer
My Commission GG 340513
Expires 07/19/2023

City of Punta Gorda

Resolution No. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, DECLARING ITS INTENT TO CONSIDER VACATING A 15 FEET WIDE EASEMENT AS DESCRIBED IN OFFICIAL RECORD BOOK 774, PAGES 649 THROUGH 650, CHARLOTTE COUNTY PUBLIC RECORDS; AND LYING IN SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, AND FURTHER BOUNDED AND DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN; REQUESTING A RECOMMENDATION FROM THE PLANNING COMMISSION; FIXING A DATE OF PUBLIC HEARING THEREON; AND PROVIDING AN EFFECTIVE DATE.

KNOW ALL MEN BY THESE PRESENTS, that the City Council of the City of Punta Florida, hereby resolves that:

I. Pursuant to the provisions of Chapter 20, Section 20-9, Punta Gorda Code, the Punta Gorda City Council will consider a petition filed by Banks Engineering, authorized agent, on behalf of Jones Loop Road, LLC, property owner, to vacate 6,925 +/- square feet (0.158 +/- acres), a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East and being further bounded and described in Exhibit "A" attached hereto and incorporated herein.

II. The City of Punta Gorda Planning Commission is hereby requested to review the petition at its regularly scheduled meeting of February 27, 2023, and forward a recommendation thereon to City Council.

III. A Public Hearing on the petition will be held before the City Council on March 15, 2023, at 9:00 a.m. in Council Chambers located at 326 West Marion Avenue, Punta Gorda, Florida. Notice of said Public Hearing shall be published in the newspaper and mailed to abutting property owners pursuant to Section 20-9 of the Punta Gorda Code.

DONE in regular session of the City Council of the City of Punta Gorda, Florida, this 1st day of February 2023.

_____
LYNNE R. MATTHEWS, Mayor

ATTEST:

_____
KAREN SMITH, City Clerk

APPROVED AS TO FORM:

_____
DAVID M. LEVIN, City Attorney

Exhibit "A"

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTION 21, T-41-S, R-23-E,
CHARLOTTE COUNTY, FLORIDA.

(15 FEET WATERLINE EASEMENT TO BE VACATED)

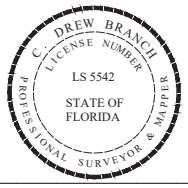
A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING A 15 FEET WIDE EASEMENT FOR WATERLINE AND ANCILLARY FACILITIES AS DESCRIBED IN OFFICIAL RECORDS BOOK 774, PAGES 649 THROUGH 650, CHARLOTTE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 21; THENCE S.88°42'52"E. (FOR A BASIS OF BEARINGS) ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 21 FOR 1324.71 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF ORANGE STREET, SAID LINE ALSO BEING THE WEST LINE OF LOT 295, SOUTH-HIGHLANDS, AS DEPICTED IN PLAT BOOK 2, PAGE 6, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE S.00°31'22"W. ALONG SAID EAST RIGHT-OF-WAY LINE FOR 25.51 FEET TO THE POINT OF BEGINNING; THENCE S.89°28'38"E. FOR 328.25 FEET; THENCE N.51°51'47"E. FOR 30.41 FEET; THENCE S.89°28'38"E. FOR 103.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SIXTH AVENUE, AS DEPICTED IN SAID PLAT OF SOUTH-HIGHLANDS; THENCE S.00°31'22"W. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 15.00 FEET; THENCE N.89°28'38"W. FOR 97.74 FEET; THENCE S.51°51'47"W.FOR 30.41 FEET; THENCE N.89°28'38"W. FOR 333.51 FEET TO A POINT ON THE EXTENSION OF SAID EAST RIGHT-OF-WAY LINE OF SAID ORANGE ROAD AS DEPICTED ON CHARLOTTE COUNTY GEOGRAPHIC INFORMATION SYSTEM (GIS); THENCE N.00°31'22"E. ALONG SAID EAST RIGHT-OF-WAY LINE FOR 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 6,925 SQUARE FEET, MORE OR LESS.

BANKS ENGINEERING
FLORIDA LICENSED BUSINESS NO. LB6690 OCTOBER 12, 2022

DIGITALLY SIGNED BY:
C. DREW BRANCH




Date:
2022.10.12
10:51:18
-04'00'

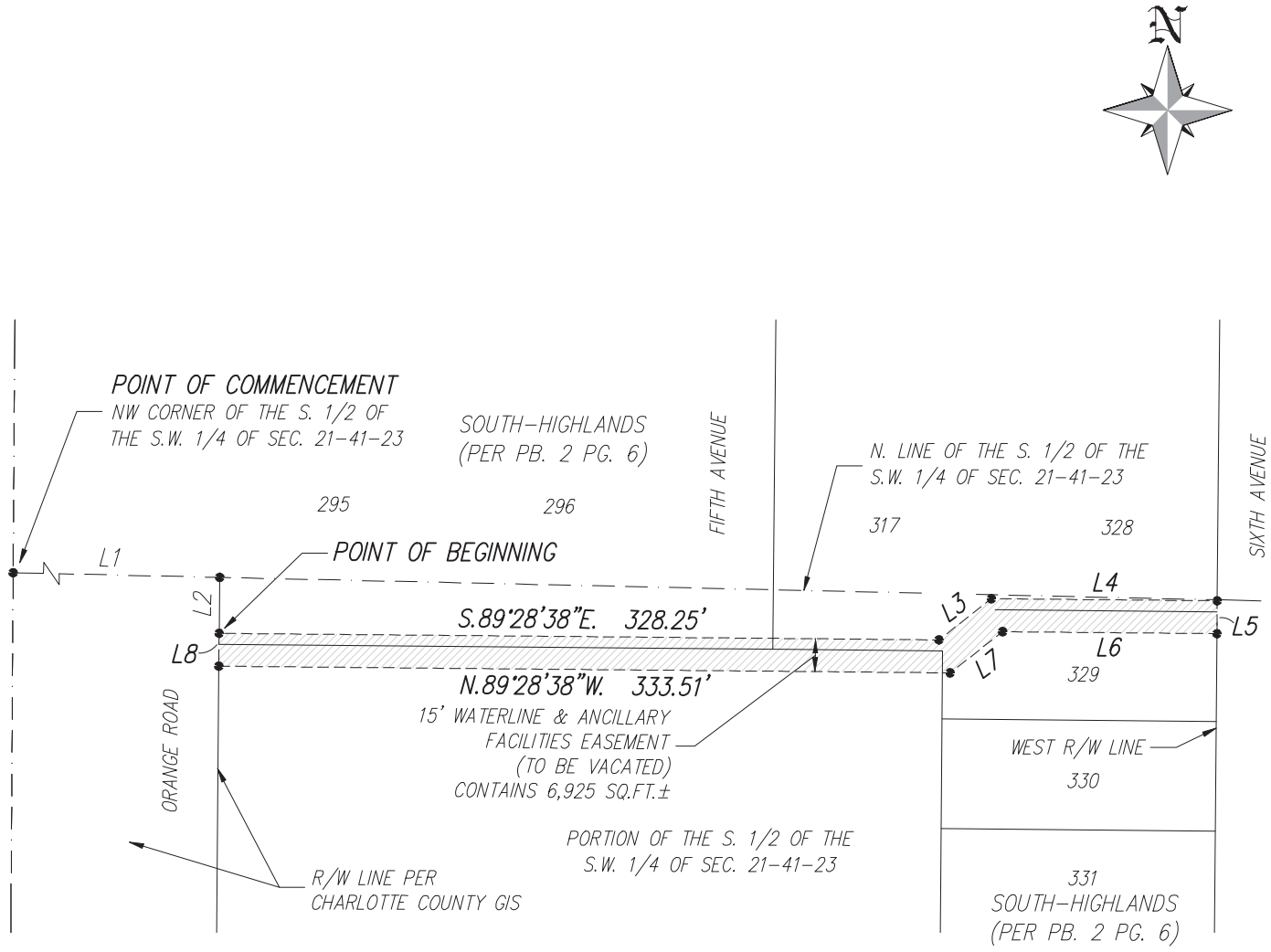
C. DREW BRANCH, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 5542



SERVING THE STATE OF FLORIDA

4161 Tamiami Trail – Building 5, Unit 501, Port Charlotte, FL 33952
(941) 625-1165 • Fax (941) 625-1149 www.bankseng.com

# Exhibit "A"




## LINE TABLE

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | S.88°42'52"E. | 1324.71' |
| L2 | S.00°31'22"W. | 25.51' |
| L3 | N.51°51'47"E. | 30.41' |
| L4 | S.89°28'38"E. | 103.00' |
| L5 | S.00°31'22"W. | 15.00' |
| L6 | N.89°28'38"W. | 97.74' |
| L7 | S.51°51'47"W. | 30.41' |
| L8 | N.00°31'22"E. | 15.00' |

## LEGEND

| | |
|---|---|
| PG. | PAGE |
| PB. | PLAT BOOK |
| R/W | RIGHT OF WAY |
| SQ. FT. | SQUARE FEET |
| L1 | LINE 1 OF LINE TABLE |

THIS IS NOT A BOUNDARY SURVEY


BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

4161 TAMIAMI TRAIL – BLDG 5 UNIT 501
PORT CHARLOTTE, FLORIDA 33952
PHONE: (941) 625-1165 FAX: (941) 625-1149

ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

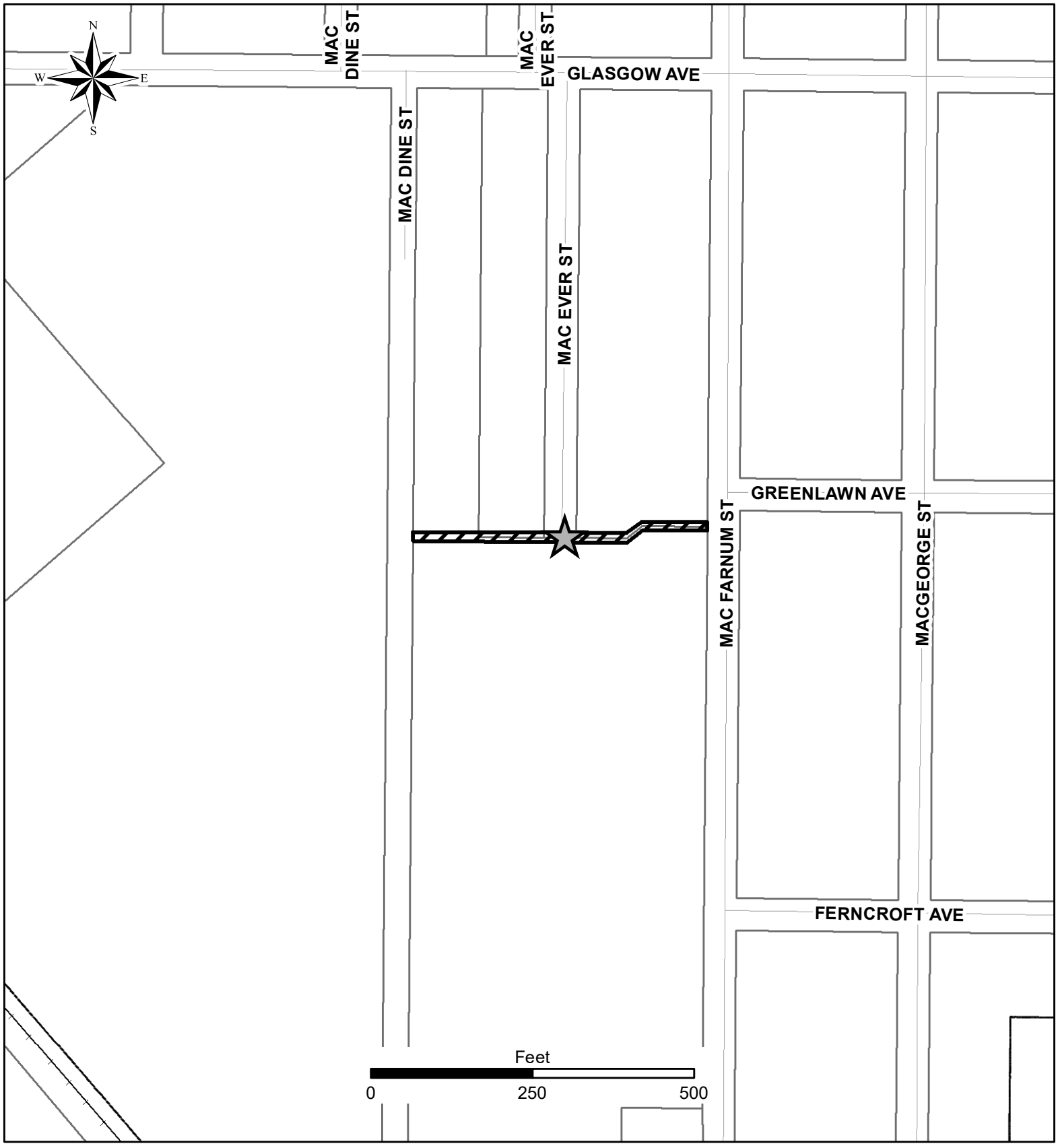
WWW.BANKSENG.COM


**SKETCH TO ACCOMPANY DESCRIPTION**

## 15' WATERLINE EASEMENT TO BE VACATED

**CHARLOTTE COUNTY, FLORIDA**

| DATE | PROJECT | DRAWING | DRAWN | CHECKED | SCALE | SHEET | FILE NO. (S-T-R) |
|---|---|---|---|---|---|---|---|
| 10/12/22 | 4199 | SK-OVERALL | JS | CDB | 1"=80' | 2OF2 | 21-41-23 |




City Limits

Subject Parcel

Street

Railroad

Water

Punta Gorda 250

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**CONSENT AGENDA**

| | |
|---|---|
| **Title:** | Twin TOT Walk 5K- March 11, 2023. |
| **Funds:** | Not applicable |
| **Recommended Action:** | City Council approval to allow staff to submit the FDOT permit application for the street closures. |
| **Summary:** | Just Against Children Drowning is requesting to host the Annual Twin TOT 5K. An FDOT permit is required, and FDOT requires City Council authorization for staff to submit the permit. |
| **Department/Division:** | Urban Design |

**EXHIBITS:**

1. Application

CITY OF PUNTA GORDA

PARK RENTAL & EVENTS
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
ParkRental@CityofPuntaGordaFL.com
(941) 575-3367

# EVENT PERMIT APPLICATION

The following information is required for all event permits issued by the City of Punta Gorda. Please be aware that approval does not exempt the applicant from any County, State or Federal criteria which may apply to such event or activity.

IMPORTANT: Applications for event permits must be submitted for processing at least sixty (60) days prior to the event.

Non-refundable application fee shall be paid at time of application or the application will be returned. Rental fees will be paid at approval of the event request. All questions must be answered, incomplete applications will be rejected. Signature **must** be notarized or application will be rejected. **For** further information, contact the Urban Design Division.

| **DATE RECEIVED:** | | **PERMIT NO:** | |
|---|---|---|---|
| **Application Fee: $50.00** (DUE AT TIME OF APPLICATION) | | **DRC DATE:** | |
| Name of Event | Twins TOT 5K | | |
| Applicant or Organization | Joel Dlugosinski (Representing Just Against Children Drowning) | | |
| Event Date(s) | 11/05/22 | | |

Type: If event is a joint venture between a not-for-profit organization and a for-profit company, the rental rates will be charged the for-profit rate. Attach copy of non-profit status with IRS certification or copy of the State of Florida tax exemption certificate.

☐ For profit ☒ Not-for-profit (type 501(c)(3), provide IRS certification) ☐ Joint Event

| Name of Responsible Party | Joel Dlugosinski | Title | Race Director | | | | |
|---|---|---|---|---|---|---|---|
| Address | 3433 Cincinnati St. | City | North Port | State | FL | Zip | 34286 |
| Phone #'s | 715-252-7833 | | Email address | joel@teamdoogie.com | | | |
| Description of Event | A 5K Race beginning at Gilchrist Park and following Harbor Walk. Then running 7.5% of the way across Northbound US 41 and back. Proceeds are going To the JACD Foundation. | | | | | | |

**Event Location:**
Indicate all areas intending to be used. Site plan is required at the time of application submittal, including location(s) of any signage, and/or a parade/race route, as applicable. Site plan shall indicate the areas to be used for parking, location of portable toilets and trash containers/ dumpsters as well as layout of event. In addition, an accessible route site plan is required and must include all elements outlined on the ADA Checklist provided in the event manual.

| Gilchrist Park | Laishley Park | Ponce de Leon Park |
|---|---|---|
| ☐ Open Space/Event Lawn<br>☐ Gazebo<br>☒ Large Shelter ☐ Small Shelter<br>☐ Exclusive Use (Specify) _____<br>☐ Other (Specify)_____ | ☐ Open Space<br>☐ Open Air Pavilion<br>☐ Gazebo<br>☐ Exclusive Use (Specify) _____<br>☐ Other (Specify)_____ | ☐ Open Space<br>☐ Large Shelter<br>☐ Open Air Chapel<br>☐ Exclusive Use (Specify) _____<br>☐ Other (Specify)_____ |

| Set up Time | | | Event Time | | | Clean Up Time | | |
|---|---|---|---|---|---|---|---|---|
| Date | From | To | Date | From | To | Date | From | To |
| 11/05/22 | 4:30 am | 6am | 11/05/22 | 6am | 12pm | 11/05/22 | 11am | 12pm |
| | | | | | | | | |
| | | | | | | | | |

| | | | |
|---|---|---|---|
| Has this event been held in the Past? | ☐ No<br>☒ Yes – When 11/20/21 In attendance 200 | | |
| Anticipated Crowd Size for this event | 250 | Peak Hours 7am - 10am | |
| Will there be a charge for Parking | ☒ No ☐ Yes | Will off-site parking be provided | ☒ No ☐ Yes |
| Will any type of "shuttle" service from parking to entrance be provided? | ☒ No<br>☐ Yes –By whom_____<br>If yes, will the shuttle equipped for those with disabilities? ☐ No ☐ Yes | | |
| Will there be amplified music or entertainment? | ☐ No ☒ Yes | Will any street(s) or sidewalk(s) be closed? | ☐ No ☒ Yes |
| Are off-premise directional signs or other types of advertising devices being requested? | | | ☒ No ☐ Yes |
| Will tents or canopies be used? | ☒ No<br>☐ Yes – How Many? _____ What Size? _____ | | |
| Will alcoholic beverages be sold or consumed on the premises? | ☒ No<br>☐ Yes – Alcoholic Beverage Permit Holder _____ | | |
| Are Fireworks planned? | ☒ No ☐ Yes | Does the applicant own the property where the event is to be held? | ☐ No ☐ Yes |
| Will private security be provided to protect exhibits, equipment or facilities brought on-site for this event | ☒ No<br>☐ Yes – Name of Security Company _____ | | |
| Will food be cooked and/or catered on-site during this event? | ☒ No<br>☐ Yes – has the Health Department been contacted ☐ No ☐ Yes | | |
| Will temporary sanitary facilities be provided? | ☒ No<br>☐ Yes | *Portable toilets and portable hand washing facilities are REQUIRED for ANY event serving/selling food and/or beverages. (Only exception is in Laishley Park) | |

*If portable toilets are provided for use by event participants, **a minimum of five percent of all units, but never less than one unit, must be accessible.** Where clusters of portable units are provided at various locations around the event site, five percent of the units in each cluster should be accessible. They should be equipped with all the accessible elements required by the Standards such as maneuvering space, grab bars, toilet paper dispensers within reach, etc. In addition, when all units are not accessible, the International Symbol of Accessibility must be posted on the units that are.

| | |
|---|---|
| Will disposable cardboard trash receptacles be provided? | ☒ No ☐ Yes |
| Will additional refuse containers/dumpsters be provided? (If serving food a dumpster is required) | ☒ No<br>☐ Yes – By whom? _____ |
| Are live animals going to be part of this event? | ☒ No ☐ Yes – Type? _____ How Many? _____ |

| | | |
|---|---|---|
| Who is the event's designated ADA Coordinator responsible for ensuring event is accessible to those with disabilities? | Name | Joel Dlugosinski |
| | Phone | 715-252-7833 |
| | Email Address | joel@teamdoogie.com |

| | | | | | |
|---|---|---|---|---|---|
| Will Punta Gorda Personnel be Requested? | Police ☐ No ☒ Yes | Fire ☒ No ☐ Yes | Public Works ☒ No ☐ Yes |

*Events on City Property. Please provide the City of Punta Gorda with a Certificate of Insurance for property and Liability coverage of the event, naming the City as additional insured. Combined Single Limit for Bodily Injury liability having minimum limits of $1,000,000 per occurrence and Property Damage liability as follows:* ***$100,000 for Ponce de Leon; $500,000 for Gilchrist & Laishley Park****, must be provided prior to permit approval*

| | | | |
|---|---|---|---|
| Do you have the appropriate insurance? | ☐ No ☐ N/A ☒ Yes | Is the City named as an additional insured? | ☐ No ☐ N/A ☒ Yes |
| Does this event require the use of Water? | ☒ No ☐ Yes | Does this event require the use of Electric? | ☐ No ☒ Yes |

*Telephone service shall be available on site of event for emergency purposes. Indicate the arrangements you have made for communications on-site during event.* List the name of contact person responsible the day(s) of event

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Name | Joel Dlugosinski | | | Title | Race Director | | |
| Address | 3433 Cincinnati St. | City | North Port | State | FL | Zip | 34286 |
| Phone #'s | 715-252-7833 | | | Email address | joel@teamdoogie.com | | |

During review by various City Departments, additional conditions may be imposed. The permit is valid only for the time indicated on the ISSUED permit. In the event that the applicant fails to fulfill the requirement(s) (as set forth in the permit) or fails to obtain proper authorization to proceed, if conditions have changed, including but not limited to acts of God, pandemics, natural disasters, etc., or the expected outcomes, impacts, or conditions are substantially altered, then the permit will be voided immediately by authorized City Personnel.

I, the undersigned, will indemnify, defend and hold harmless the City of Punta Gorda, its agents, employees, officers and any and all other associates, from and against any and all actions, in law or in equity, from liability or claims for damages, demands or judgments to any person or property which may result now or in the future from the conduct of this event.

The undersigned has read and voluntarily signed the release and waiver of liability and Indemnity Agreement, and further agrees that no oral representations, statements, or inducements apart from the foregoing written agreement have been made.

**NOTARIAL CERTIFICATE - ACKNOWLEDGEMENT**

Signature: Joel Dlugosinski

Organization: Team Doogie

Type or Printed Name & Title: Joel Dlugosinski

Date: 9/6/2022

State of Florida
County of Charlotte

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization this day of Sept 6, 2022, by Joel Dlugosinski, who is personally known to me or who has produced FL DL as identification.

Jacqueline Normand
(Signature of Notary)

JACQUELINE NORMAND
MY COMMISSION # HH103681
EXPIRES: March 11, 2025

0000065 04/17/19

FLORIDA

# Cor ι mer's Certificate of Exemption

Issι ɜ Pursuant to Chapter 212, Florida Statutes

DR-14
R. 01/18

| 85-8016491150C-4 | 6/23/2019 | 06/30/2024 | 501(C)(3) ORGANIZATION |
|---|---|---|---|
| Certificate Number | ffective Date | Expiration Date | Exemption Category |

This certifies that

JACD FOUNDATION INC
339 FORTALEZA ST
PUNTA GORDA FL 33983-5450

is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.

FLORIDA

## Important Information for Exempt Organizations

DR-14
R. 01/18

1. You must provide all vendors and suppliers with an exemption certificate before making tax-exempt purchases. See Rule 12A-1.038, Florida Administrative Code (F.A.C.).

2. Your *Consumer's Certificate of Exemption* is to be used solely by your organization for your organization's customary nonprofit activities.

3. Purchases made by an individual on behalf of the organization are taxable, even if the individual will be reimbursed by the organization.

4. This exemption applies only to purchases your organization makes. The sale or lease to others of tangible personal property, sleeping accommodations, or other real property is taxable. Your organization must register, and collect and remit sales and use tax on such taxable transactions. Note: Churches are exempt from this requirement except when they are the lessor of real property (Rule 12A-1.070, F.A.C.).

5. It is a criminal offense to fraudulently present this certificate to evade the payment of sales tax. Under no circumstances should this certificate be used for the personal benefit of any individual. Violators will be liable for payment of the sales tax plus a penalty of 200% of the tax, and may be subject to conviction of a third-degree felony. Any violation will require the revocation of this certificate.

6. If you have questions about your exemption certificate, please call Taxpayer Services at 850-488-6800. The mailing address is PO Box 6480, Tallahassee, FL 32314-6480.

Punta Gorda

CITY OF PUNTA GORDA
ZONING & CODE COMPLIANCE
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-3352
Zoning@CityofPuntaGordaFL.com

# REQUEST FOR TEMPORARY CLOSING OF CITY STREETS

| ***Request for Temporary Closing Form MUST be submitted to the Punta Gorda Public Works Department a minimum of sixty (60) days prior to the event*** | DATE RECEIVED: |
|---|---|

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Name of Event | TWINSTOT 5K | | | | | | |
| Applicant or Organization | Joel Olugosinski (JustAgainstChildrenDrowning) | | | | | | |
| Address | 3433 Cincinnati St. | City | North Port | State | FL | Zip | 34286 |
| Phone #'s | 715-252-7833 | | Email address | joel Olugosinski | | | |
| Description of Event | 5K Race from Gilchrist Park and using Harbor walk and US41 | | | | | | |
| Date of Event | | | | Time of Event | | | |
| To | 11/5/22 | From | 11/5/22 | Begin | 6:30 am | End | 8:30 am |
| Has this event been held in the Past? | ☐ No ☒ Yes – When 11/20/21 | | | | | | |
| Proposed Road(s) to Close (Specific Locations – Include Map) | Northbound US 41 from Retta Esplanade using 1 lane | | | | | | |
| Proposed Detour Route (Include alternative road and map) | | | | | | | |
| Additional Notes & Comments Include ADA accessible route | | | | | | | |

Signature | Joel Olugosinski Printed Name | 9/1/22 Date

**Office Use Only**

| | | |
|---|---|---|
| Punta Gorda Police ☐ Approved ☐ Disapproved Comment: | | |
| Signature | Type or Printed Name & Title | Date |
| Punta Gorda Fire ☐ Approved ☐ Disapproved Comment: | | |
| Signature | Type or Printed Name & Title | Date |
| Punta Gorda Public Works / Engineering ☐ Approved ☐ Disapproved Comment: | | |
| Signature | Type or Printed Name & Title | Date |

CITY OF PUNTA GORDA

FIRE DEPARTMENT
1410 TAMIAMI TRAIL
PUNTA GORDA, FL 33950
(941) 575-5529
CityofPuntaGordaFL.com

# SPECIAL EVENT SAFETY CHECKLIST

Attention Event Permit Applicants & Participants:

The following fire safety requirements shall apply to all special events in the City of Punta Gorda.

- ✓ All tents and canopies under which any type of cooking or warming of food items is conducted will be required to have a fire retardant certification on the canvas or be separated from other structures and tents by 10' (foot) spacing. Permits may be required contact the Fire Marshal for details.
- ✓ Use of electrical or gas powered equipment will be required to have a fire retardant certification on the canvas or be separated from other structures and tents by 10' (foot) spacing. Permits may be required contact the Fire Marshal for details.
- ✓ All vendors with electrical power, cooking or food warming and any flammable hazards will be required to have a State certified (state tagged) portable fire extinguisher mounted within the vendor area. All fire extinguishers will be a minimum size of 5 pounds, ABC type.
- ✓ All vendors cooking with oils or grease type products will need to have absorbent material for any spills (i.e., sand or kitty litter).
- ✓ Any cooking equipment shall be in good operational condition (LP tanks, hoses, generators, grills and electrical appliances). All appliances shall be properly secured and out of egress pathways.
- ✓ Gasoline containers shall be approved types and shall not be stored under tents or in egress pathways.
- ✓ LP tanks shall be properly secured from any falling or tipping hazards and kept clear of egress pathways.
- ✓ Extension cords shall be heavy duty outdoor use type. Cords shall not be spliced together or tied in knots. Extension cords shall be kept clear of standing water and where they pass through pedestrian areas shall be secured, as to not cause trip hazards.

Jennifer J. Molnar,
Fire Marshal, PGFD

Event coordinator shall provide a signed copy of this document to the Fire Department in acknowledgement and full understanding of the above stated fire safety requirements that all event participants must abide by

**All VENDORS MUST ACKNOWLEDGE RECEIPT IN ORDER TO PARTICIPATE IN A CITY EVENT**

***By signing this form the event coordinator insures that all participants/vendors of the event have received a copy of these listed requirements and clearly understands each applicable requirement listed.***

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Name | Joel Dlugosinski | | | Title | Race Director | | |
| Address | 3433 Cincinnati St. | City | North Port | State | FL | Zip | 34286 |
| Phone #'s | 715-252-7833 | | Email address | joel@teamdoogie.com | | | |
| Event Name | TwinsTot 5K | Event Date | 11/5/22 | Event Time | 6:30 am to 9:30 am | | |

Signature

Joel Dlugosinski Race Director
Type or Printed Name & Title

JACD
Organization

9/1/22
Date

Punta Gorda

## Off Duty Vendor Contract

## CONDITIONS OF PERMIT

### Extra-Duty Special Detail Standby Fire Department Related Services

The following are general conditions regarding standby Fire Department related services:

1. If you require assistance with a scheduled detail after normal administrative hours (M-F 7:30am-4:30pm), contact must be made with the Fire Marshal or Fire Chief by calling 941-575-5529.
2. Any Member who is engaged in any extra-duty employment is subject to On-Duty status (call-out) at any time.
3. Extra-Duty employment shall be suspended any time a conflict is found to exist, the employment interested with the member's primary duties as a firefighter/EMT/Paramedic, is in violation of State or Federal law or Office policy.
4. The rate charged an employer/vendor for extra-duty Fire and EMS related services shall be standardized hourly rate established by the City of Punta Gorda which shall include compensation of personnel, any applicable employment taxes, and any administrative costs to administer the special detail.
5. Payment for any services directly to the member is strictly prohibited. The City of Punta Gorda will be responsible for collecting such payment and making disbursement to the member.
6. Extra Duty/special detail services shall be performed within the boundaries and jurisdiction of City of Punta Gorda public safety services.
7. The person/vendor requesting the extra-duty Fire/EMS service will make payment in ADVANCE of the service being performed. Payment will be made to the City of Punta Gorda Fire Department and will accompany the application/contract for request of services.
8. Cancellations of services by the Permittee (person/vendor requesting service) MUST be made at least 48 hours in advance. Failure to do so will result in the City of Punta Gorda Fire Department billing permittee/vendor for two (2) hours minimum for administrative cost.
9. If the employment has been authorized as provided in this policy, liability and Worker's Compensation Insurance Coverage provided by the Fire Department will be in effect if the off-duty firefighter sustains an injury while the member is performing extra-duty fire/ems related employment. Any injuries sustained which are NOT incurred as a result of a fire/ems action, will be the responsibility of the employer/vendor requesting extra-duty fire/ems related employment to include workers compensation.
10. All permits must be obtained 10 days in advance. In emergent situations exceptions may be made by the program administrator/Fire Chief.

I have read, understand and agree to the above listed conditions.

Signature of Permitee/Vendor/Employer Requesting Extra Duty Detail — Date: 9/1/22

Punta Gorda

CITY OF PUNTA GORDA

POLICE DEPARTMENT
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-5533
CityofPuntaGordaFL.com

# OFF DUTY VENDOR CONTRACT – POLICE DEPARTMENT

| PERMITTEE | | | | | | | |
|---|---|---|---|---|---|---|---|
| Event Name | Twins ToT 5K | | | Organization | JACD | | |
| Name of Permittee/Vendor | Joel Dlugosinski | | | Title | Race Director | | |
| Address | 3433 Cincinnati St. | City | North Port | State | FL | Zip | 34286 |
| Phone #'s | 715-252-7833 | | | Email address | joel@teamdoglc.com | | |

| DATE(S) SERVICE IS NEEDED | | | | | |
|---|---|---|---|---|---|
| Hours | From: 6:30 | ☒ AM | ☐ PM | TO: 8:30 | ☒ AM ☐ PM |

| Number of officers requested | | Per hour for Officer (two hour minimum) | | Total Charge |
|---|---|---|---|---|
| 2 | X | $39.00 (per hour) | = | $ 156.00 |

PAYMENTS WILL BE MADE WITHIN TEN (10) DAYS OF THE EVENT UNLESS OTHER ARRANGEMENTS HAVE BEEN MADE. IF THE PERMITTEE/VENDOR CANCELS THE DETAIL ON THE DAY OF THE EVENT, A TWO (2) HOUR MINIMUM PER OFFICER WILL BE CHARGED.

| Description of service to be provided | Block off right lane of US 41 North bound |
|---|---|
| Report to | Joel Dlugosinski 715-252-7833 |

I, Joel Dlugosinski as authorized representative of JACD (hereafter "Permittee") hereby acknowledge that I have read and understand the attached "Conditions of Permit" and that Permittee will abide by and be subject to these condition in all respects if a permit is issued at a result of this application. In addition, that Punta Gorda Police Department and its member will not be held liable for damages or injuries by Permittee that may be caused be a third party in connection with services provided under this permit.

Signature Authorized Representative of Vendor — Date: 9/1/22

The above application for permit is hereby granted, and above application together with the attached "Conditions of Permit are hereby adopted, by reference, and are made part of and constitute terms and conditions of this permit.
Expiration date of this permit | | |

Signature City Representative — Date — Permit Number

**ALL PERMITS MUST BE OBTAINED 10 DAYS PRIOR TO THE EVENT DATE**

Punta Gorda

## Off Duty Vendor Contract
## CONDITIONS OF PERMIT
### Extra-Duty Law Enforcement/Security Related Services

The following are general conditions that the person/business requesting Extra-Duty Law Enforcement/Security:

1. If you require assistance with a scheduled detail after normal administrative hours (M-F 8:00am-4:30pm), contact must be made with the Operations Captain on duty by calling 941-575-5533.
2. Extra-Duty employment shall be suspended any time a conflict is found to exist, the employment interested with the member's primary duties as a law enforcement officer, is in violation of State or Federal law or Office policy.
3. The rate charged an employer for extra-duty law enforcement security related services shall be standardized hourly rate established by the City of Punta Gorda Police Department which shall include compensation of personnel, any applicable employment taxes, and any administrative costs to administer the program.
4. Payment for any services directly to the member is strictly prohibited. The City of Punta Gorda Police Department will be responsible for collecting such payment and making disbursement to the member.
5. Extra Duty law enforcement services shall be performed within the boundaries and jurisdiction of Punta Gorda.
6. The person/business making the request for Extra-Duty law enforcement services, may request a particular member to work the detail, however the City of Punta Gorda Police Department has final selection of all members who work extra-duty law enforcement details.
7. If no particular member is requesting to work the Extra-Duty law enforcement detail, the City of Punta Gorda Police Department reserves the right to forward the contract to the Charlotte County Sheriff's Office and the person/business holding the event will be billed at the Charlotte County Sheriff's Office current billing rate.
8. The person/business requesting the extra-duty law enforcement service will make payment within ten (10) days of the service being performed. Payment will be made to the City of Punta Gorda Police Department and will accompany the application for request of services.
9. Cancellations of service by the Permittee (person/business requesting service) MUST be made at least 48 hours in advance. Failure to do so will result in the City of Punta Gorda Police Department billing permittee for two (2) hours minimum for administrative cost.
10. If the employment has been sanctioned and authorized as provided in this policy, liability and Worker's Compensation Insurance Coverage provided by the Police Department will be in effect if the off-duty officer sustains an injury while enforcing the criminal, traffic or penal law of the State or City ordinances while the member is performing extra-duty law enforcement/security related employment.
11. All permits must be obtained 10 days in advance. In emergency situations, exceptions may be made by the program administrator.

I have read, understand and agree to the above listed conditions.

_____ 9/1/22

Signature of Permitee/Vendor/Employer Requesting Extra Duty Detail Date

Punta Gorda

CITY OF PUNTA GORDA

FACILITIES MAINTENANCE
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
Facilities Supervisor(941) 575-5041
CityofPuntaGordaFL.com

# FACILITIES MAINTENANCE DIVISION VENDOR CONTRACT

| **PERMITTEE** | | | | | | | |
|---|---|---|---|---|---|---|---|
| Event Name | TwinsTOT 5K | | Organization | JACD | | | |
| Name of Requestor/Applicant | Joel Dlugosinski | | Title | Race Director | | | |
| Address | 3433 Cincinnati St | City | North Port | State | FL | Zip | 34286 |
| Phone #'s | 715-252-7833 | | Email address | joel@teamdoogie.com | | | |

| **DATE(S) SERVICE IS NEEDED** | | | | |
|---|---|---|---|---|
| Hours | From: 4:30 ☒ AM ☐ PM | TO: 12 ☐ AM ☒ PM | | |

PERMITTEE REQUIRED TO CONTACT FACILITIES A ***MINIMUM*** OF 2 WEEKS PRIOR TO DISCUSS SERVICES NEEDED FOR WATER & ELECTRICITY AND IN WHAT AREAS/LOCATION.

| | | |
|---|---|---|
| Water | Describe Need | |
| | Area/Location | |
| Electricity | Describe Need | Outlets needed at the large pavillion |
| | Area/Location | Gilchrist Park |

FACILITIES MAINTENANCE DIVISION WILL MEET WITH EVENT PERMITTEE 24-48 HOURS PRIOR TO THE EVENT TO TRANSFER KEYS, CODES AND COMBINATIONS FOR UTILITES ACCESS. FAILURE TO DO SO MAY RESULT IN A MINIMUM OF TWO (2) HOURS OVERTIME CHARGE OF $50.00 PER HOUR

I, Joel Dlugosinski as authorized representative

Of JACD (hereafter "Permittee") hereby acknowledge that I have read and understand the attached "Conditions of Permit" and that Permittee will abide by and be subject to these conditions in all respects if a permit is issued at a result of this application. In addition, that Punta Gorda Facilities Maintenance Division and its employees will not be held liable for damages or injuries by Permittee that may be caused be a third party in connection with services provided under this permit.

Signature Authorized Representative

Date 9/1/22

CITY OF PUNTA GORDA

ZONING & CODE COMPLIANCE
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-3352
PGcode@CityofPuntaGordaFL.com

# AMERICANS WITH DISABILITIES CHECKLIST

Attention Event Permit Applicants & Participants:

The following Americans with Disabilities Act (ADA) checklist requirements shall apply to all special events permitted by the City of Punta Gorda:

- ✓ All vendors have the name of the event's designated ADA Coordinator and procedures to handle requests for accommodations.
- ✓ An accessible route from site arrival points and an accessible entrance have been provided.
    - As much as possible, the accessible route should be the same route used by other participants.
    - Once a route has been mapped out, it must be identified with signs if it deviates from paths used by the general public. (Be at least 36 inches wide)
    - All vendors have received the event layout outlining the accessible route and are aware that it MUST be maintained at all times.
- ✓ The layout of the event should allow people with disabilities to attain goods and services and participate in activities without assistant.
    - Front-line staff at information and ticketing areas must have a thorough knowledge of accessible features and services offered by the event and a general sensitivity to disability issues.
- ✓ The entrance gate, main desk, or information booth must be accessible in the design and location of the space and in the information provided.
- ✓ Vendors MUST modify policies and procedures to ensure they do not discriminate against persons with disabilities. Vendors may:
    - be required to leave their booths briefly to assist someone with limited hand dexterity in reaching their money, or need to take items from an inaccessible area to an interested individual in order to allow the individual to evaluate and select merchandise or to participate in an activity offered.
- ✓ If there is a "no pet" policy it MUST be modified to allow service animals to assist persons with disabilities in performing one or more tasks related.
- ✓ If portable toilets are provided for use by event participants, a minimum of five percent of all units, but never less than one unit, must be accessible.
- ✓ Signage is needed to direct the public to the location of accessible parking spaces, passenger drop-off points and transit stops and accessible entrances and gates. Signs should include the international symbol of accessibility, use easy-to-read typefaces, and be large enough to be read from a distance.
- ✓ Accessible parking spaces must be level and adjoin an accessible route to entrances. Accessible parking spaces should be placed as close as possible to the accessible entrance served by the parking area to minimize the need for a person with a disability to travel long distances to merely arrive at the entrance.

- If temporary parking lots, grass fields or dirt lots, etc. are going to be used as temporary parking areas, accessible spaces must be created and held in reserve for people with disabilities.

✓ If shuttles or other modes of transportation are made available at the event, the mode of transportation MUST also be available to those with disabilities.

✓ If the event provides seating, viewing, or assembly areas a designated section should be made available for those with disabilities.

Event organizer & ADA Coordinator shall provide a signed copy of this document to the Urban Design Division in acknowledgement and full understanding of the above stated ADA requirements that all event organizers must abide by.

For more information on planning for making temporary events accessible to people with disabilities visit https://adata.org/publication/temporary-events-guide

| **Event Name** | Twins TOT 5K | **Organization** | JACD |
|---|---|---|---|
| **Event Date(s)** | 11/5/22 | **Event Time(s)** | 6am - 12pm |

| **Name of Requestor/Applicant** | | **Designated ADA Coordinator** | |
|---|---|---|---|
| **Name** | Joel Dlugosinski | **Name** | 11 |
| **Title** | Race Director | **Title** | 11 |
| **Phone #** | 715-252-7833 | **Phone #** | 11 |
| **Email** | joel@teamdoogie.com | **Email** | 11 |
| **Address** | 3433 Cincinnati St. North Port, FL 34286 | **Address** | 11 |

I, Joel Dlugosinski as authorized representative hereby acknowledge that I have read and understand the attached "Conditions of Permit" and that Permittee will abide by and be subject to these conditions in all respects if a permit is issued at a result of this application. In addition, ***by signing this form the event coordinator & ADA coordinator insures that all participants/vendors of the event have received a copy of ADA requirements and clearly understands each applicable requirement listed above.***

Signature Authorized Representative — Date: 9/1/22

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 06/10/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

**PRODUCER**
Gregoire Family Insurance
17179 Bonnie Ave Ste. B
Port Charlotte FL 33954

**CONTACT NAME:** Zachary Gregoire
**PHONE (A/C, No, Ext):** (941) 889-7836 **FAX (A/C, No):** (800) 986-0433
**E-MAIL ADDRESS:** zachary@gregoirefamilyins.com

| INSURER(S) AFFORDING COVERAGE | NAIC # |
|---|---|
| INSURER A: Mount Vernon Fire Insurance co | |
| INSURER B: | |
| INSURER C: | |
| INSURER D: | |
| INSURER E: | |
| INSURER F: | |

**INSURED**
Team Doogie LLC
3433 Cincinnati St
North Port FL 34286

**COVERAGES** **CERTIFICATE NUMBER:** CL2261006180 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSD | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | |
|---|---|---|---|---|---|---|---|---|
| A | [X] COMMERCIAL GENERAL LIABILITY<br>[ ] CLAIMS-MADE [X] OCCUR<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br>[X] POLICY [ ] PRO-JECT [ ] LOC<br>[ ] OTHER: | Y | | NPP2574537B | 06/09/2022 | 06/09/2023 | EACH OCCURRENCE | $ 1,000,000 |
| | | | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) | $ 100,000 |
| | | | | | | | MED EXP (Any one person) | $ 5,000 |
| | | | | | | | PERSONAL & ADV INJURY | $ 1,000,000 |
| | | | | | | | GENERAL AGGREGATE | $ 2,000,000 |
| | | | | | | | PRODUCTS - COMP/OP AGG | $ INCLUDED |
| | | | | | | | | $ |
| | AUTOMOBILE LIABILITY<br>[ ] ANY AUTO<br>[ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS<br>[ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY | | | | | | COMBINED SINGLE LIMIT (Ea accident) | $ |
| | | | | | | | BODILY INJURY (Per person) | $ |
| | | | | | | | BODILY INJURY (Per accident) | $ |
| | | | | | | | PROPERTY DAMAGE (Per accident) | $ |
| | | | | | | | | $ |
| | [ ] UMBRELLA LIAB [ ] OCCUR<br>[ ] EXCESS LIAB [ ] CLAIMS-MADE<br>[ ] DED [ ] RETENTION $ | | | | | | EACH OCCURRENCE | $ |
| | | | | | | | AGGREGATE | $ |
| | | | | | | | | $ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N [ ]<br>If yes, describe under DESCRIPTION OF OPERATIONS below | N/A | | | | | | [ ] PER STATUTE [ ] OTH-ER | |
| | | | | | | | E.L. EACH ACCIDENT | $ |
| | | | | | | | E.L. DISEASE - EA EMPLOYEE | $ |
| | | | | | | | E.L. DISEASE - POLICY LIMIT | $ |

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**
Certificate holder is listed as additionally insured in regards to the general liability.

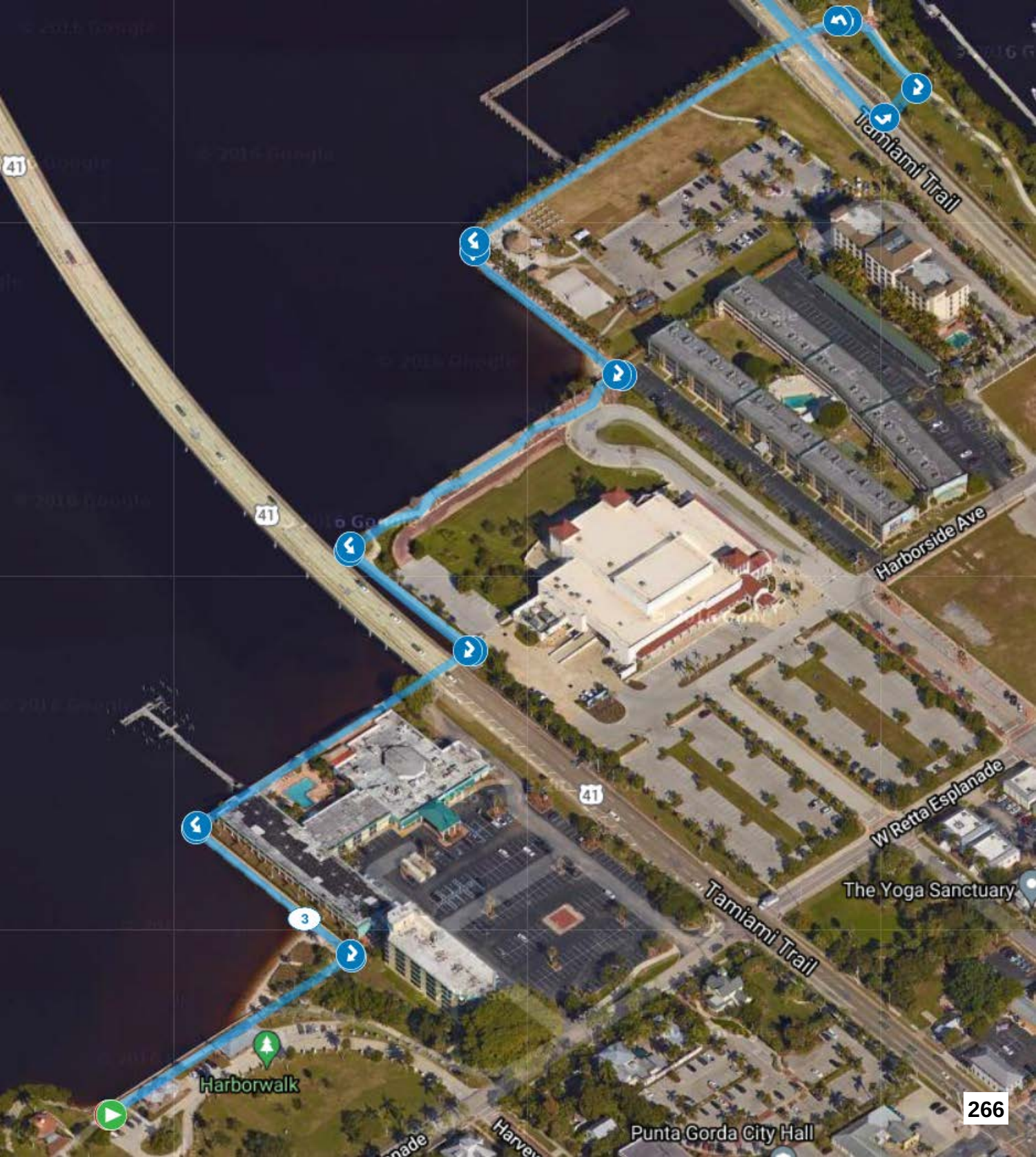
**CERTIFICATE HOLDER**
City of Punta Gorda
126 Harvey Street
Punta Gorda FL 33950

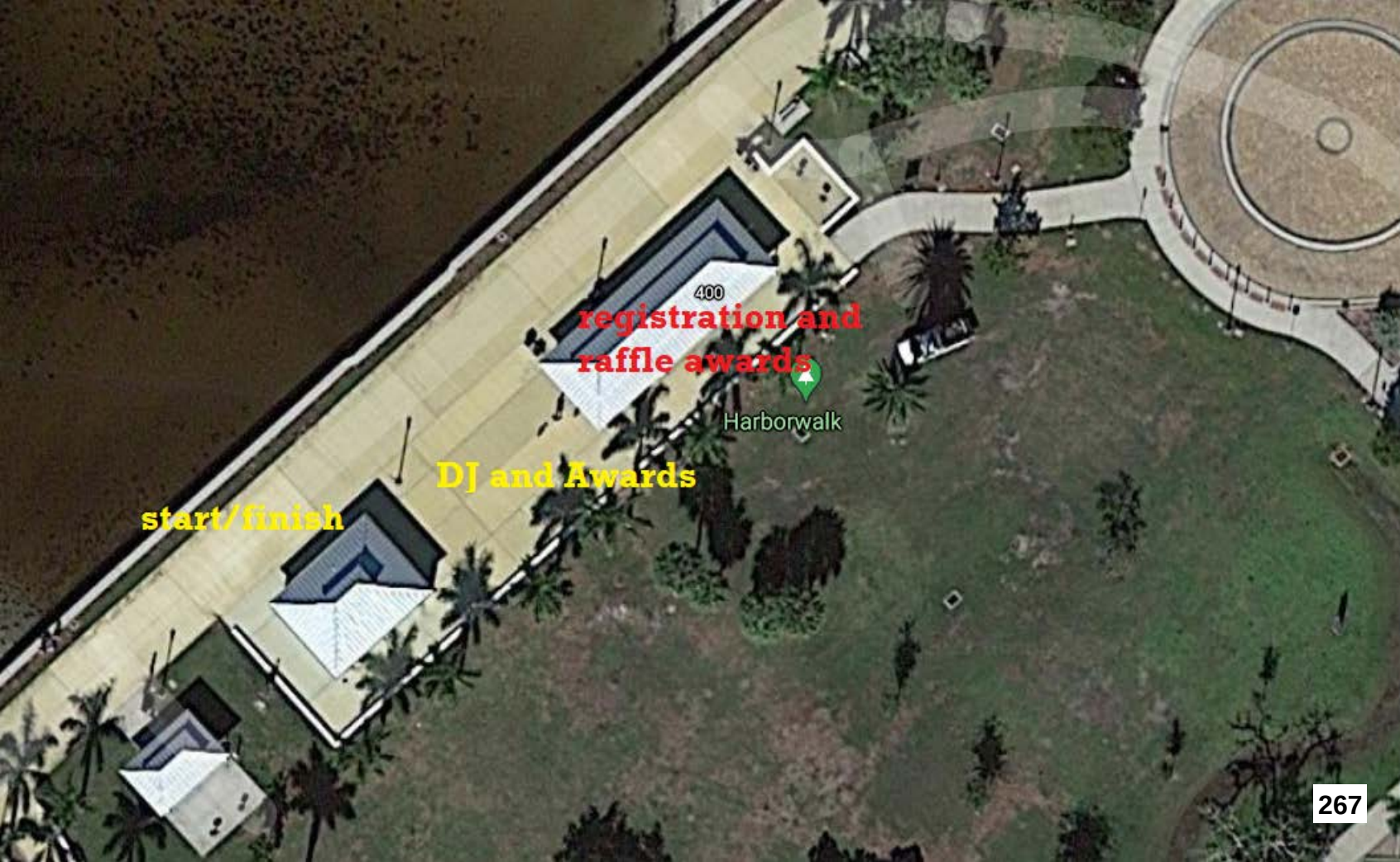
**CANCELLATION**
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

**AUTHORIZED REPRESENTATIVE**

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Point
Live Oak Point
41
Tamiami Trail
41
2
1
Tamiami Trail
41
265
Keyboard shortcuts
Map data ©2021


41
Tamiami Trail
Harborside Ave
W Retta Esplanade
The Yoga Sanctuary
Tamiami Trail
3
Harborwalk
Punta Gorda City Hall


400
registration and
raffle awards
Harborwalk
DJ and Awards
start/finish

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**REGULAR AGENDA**

**Title:** April 5, 2023, City Council meeting date options, April 6, 7, or 10

**Funds:** Not applicable

**Recommended Action:**

**Summary:**

**Department/Division:** City Clerk

**EXHIBITS:**

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**REGULAR AGENDA**

| | |
|---|---|
| **Title:** | Award of agreement to Infinite Construction, LLC of FT Myers, Florida for construction improvements to the Boardwalk and Pier at Ponce de Leon Park, Punta Gorda, Florida. |
| **Funds:** | General Construction and 1% Sales Tax Funds Budgeted (Project Code - PONCE):<br>General Construction - 301 3004 572 6334 - $130,000.00<br>General Construction - 301 3004 519 6300 - $295,293.00<br>1% Sales Tax Funds - 118 3007 572 6332 - $305,000.00 |
| **Recommended Action:** | Staff recommends award of this agreement to Infinite construction, LLC. of Ft. Myers, FL as being the lowest responsive and responsible bidder. |
| **Summary:** | Procurement solicited bids for construction improvements to the Boardwalk and pier at Ponce de Leon Park, Punta Gorda. A total of 370 vendors were notified and 3 submittal packages were received and qualified for evaluation.<br>The total lump sum to complete the project is $ 730,287.49, which includes a contingency for the City's use of $ 50,100.00.<br>The total construction time to complete the project is 180 calendar days. A notice to proceed will be issued upon receipt of the contractor's insurance and performance and payment bonds. Once the notice to proceed is issued the contractor is required to begin construction within 10 calendar days. |
| **Department/Division:** | Finance |

**EXHIBITS:**

1. Recommendation for Award
2. Agreement

Punta Gorda
FLORIDA

# INTEROFFICE MEMORANDUM

**To:** Bryan Clemons, Joan LeBeau, Anne Heinen, Kristin Simeone and Gregory Murray
**From:** Julie Rogan-Sutter, Sr. Purchasing Agent
**Date:** January 17, 2023
**Subject:** **F2022105/MAR-PONCEPARK/1511/2 – AWARD RECOMMENDATION**

**Project Description (Refer to the attached evaluation for detailed information):** Qualified and experienced marine contractor(s) to provide all labor, equipment, materials and all appurtenances for construction improvements to the Boardwalk & Fishing Pier located at Ponce de Leon Park, Punta Gorda, FL.

Total Vendors noticed: 370 Vendors accessed solicitation: 11 Total Responses: 3
Responses Disqualified/Rejected: 0 (Refer to evaluation)

**Award Amount**: Project Cost: $680,187.49 (Add/Delete) $39,128.00

**Funding:** Account(s) - #301 3004 572 6334 - $130.000.00, 118 3007 572 6332 $305,000.00 (URBAN DESIGN)___
___ Project# - PONCE and 301 3004 519 6300 $295,293.00 (ENG)

☑ Funds available ☐ Funds not available/transfer required ☐ Funds not available/to be appropriated

**Department/Division Recommendation:**

☐ Apparent Low Bidder: Infinite Construction, LLC
☐ Do not award at this time, due to: _____
☐ Recommending award other than the Apparent Low Bidder to: _____
(Department must complete and attach a Waiver of Low Bidder form to this recommendation)

Savings/Cost Avoidance: $341,603.19

**Recommendation Approval:**

| | | | |
|---|---|---|---|
| Bryan Clemons | 1-19-23 Date | Joan LeBeau | 1/18/2023 Date |

**Authority to award services:**
☐ Procurement Manager ☐ City Manager ☒ City Council – Meeting Date: February 1, 2023

**AWARD AUTHORIZATION**

Recommendation Approval:
Anne Heinen, Procurement Manager — 1/20/2023 Date — ☑ Concur ☐ Nonconcurrence

Funds Verification:
Kristin Simeone Digitally signed by Kristin Simeone Date: 2023.01.20 16:26:47 -05'00'
Kristin Simeone, Finance Director — Date — ☑ Concur ☐ Nonconcurrence

Approval to Submit to Council for Award
Gregory Murray, City Manager — 1/23/23 Date — ☑ Concur ☐ Nonconcurrence

| | | Company Name | | | Marine Contracting Croup | | | Infinite Construciton | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Component Description | | | | | | | | |
| | | On-Line/Hard Copy | | | Hardcopy | | | Hardcopy | | |
| | | Addendum 1 | | | Yes | | | Yes | | |
| | | Bidder Response Form | | | Yes | | | Yes | | |
| | | Non Collusion Affidavit | | | Yes | | | Yes | | |
| | | Conflict of Interest | | | Yes | | | Yes | | |
| | | Scruitinized Companies | | | Yes | | | Yes | | |
| | | Subcontractor percentage | | | 15% | | | 0% | | |
| | | Resolution | | | Yes | | | Yes | | |
| | | payment method/discount | | | Check/Net 25 | | | EFT/Net 25 | | |
| | | Bid Bond Hard/Electronic | | | Hardcopy | | | HardCopy | | |
| | | Electronic Source/# | | | N/A | | | N/A | | |
| | | Project Start Days after NTP | | | 60 Days | | | 14-30 days | | |
| | | completion | | | 210/240 | | | 150/180 | | |
| | | Legal Business/# of Yrs (3 years) | | | Yes/25 Years | | | Yes/9 years | | |
| | | SunBiz doc # | | | P98000071228 | | | L14000025539 | | |
| | | License CGC #/RX # | | | SCC131151730 | | | CGC1522232 | | |
| | | Name | | | Brian Louis Midolo | | | Paulius Kirilinas | | |
| | | Qualifier for Business | | | Brian Louis Midolo | | | Paulius Kirilinas | | |
| | | references - 3 min 2015-2018 /2 forcemain/primary utility work | | | Yes | | | Yes | | |
| | | BBB Search Results | | | Not Accredited | | | Not Accredited | | |
| | | # of Complaints Filed | | | Zero Complaints | | | Zero complaints | | |
| | | BBB Reliability Rating | | | A+ | | | A+ | | |
| | | State Convicted List | | | No | | | No | | |
| | | State Suspended List | | | No | | | No | | |
| | | State Discriminatory List | | | No | | | No | | |
| | | State Vendor Complaint List | | | No | | | No | | |
| | | Federal Excluded List | | | No | | | No | | |
| | | FDOT Suspended List | | | | | | | | |
| **ITEM #** | **TECH. BOOK #** | **DESCRIPTION** | **UOM** | **EST QTY** | **VERIFIED QTY** | **UNIT PRICE** | **EXTD PRICE** | **VERIFIED QTY** | **UNIT PRICE** | **EXTD PRICE** |
| | | **DEMOLITION** | | | | | | | | |
| 1 | | DEMOLITION - EAST & WEST FISHING PIER HANDRAILS, BRIDGE DECKING & HANDRAILS, BOARDWALK PILINGS, FRAMING, DECKING AND HANDRAILS | LS | 1 | | $100,000.00 | **$ 100,000.00** | | $ 46,500.00 | **$ 46,500.00** |

| | | Company Name | | | Marine Contracting Croup | | | Infinite Construciton | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | **EAST FISHING PIER** | | | | | | | | |
| 2 | W-101 | EAST PIER SPALLING REPAIR | CF | 7 | 7 | $ 750.00 | **$ 5,250.00** | 7 | $ 1,309.15 | **$ 9,164.05** |
| 3 | W-102 | EAST PIER REPLACE EXISTING BOLTS | EA | 26 | 26 | $ 150.00 | **$ 3,900.00** | 26 | $ 147.16 | **$ 3,826.16** |
| 4 | W-103 | EAST PIER RETAP EXISTING BOLTS | EA | 64 | 64 | $ 150.00 | **$ 9,600.00** | 64 | $ 110.23 | **$ 7,054.72** |
| 5 | W-104 | EAST PIER INSTALL NEW GUARD RAILS | LF | 60 | 60 | $ 375.00 | **$ 22,500.00** | 60 | $ 223.34 | **$ 13,400.40** |
| 6 | W-105 | EAST PIER INSTALL CONCRETE DECK EXTENSIONS | EA | 6 | 6 | $ 995.00 | **$ 5,970.00** | 6 | $ 1,954.80 | **$ 11,728.80** |
| | | **WEST FISHING PIER** | | | | | | | | |
| 7 | W-106 | WEST PIER SPALLING REPAIR | CF | 16 | 16 | $ 750.00 | **$ 12,000.00** | 16 | $ 978.00 | **$ 15,648.00** |
| 8 | W-107 | WEST PIER REPLACE EXISTING BOLTS | EA | 90 | 90 | $ 150.00 | **$ 13,500.00** | 90 | $ 134.83 | **$ 12,134.70** |
| 9 | W-108 | WEST PIER RETAP EXISTING BOLTS | EA | 48 | 48 | $ 150.00 | **$ 7,200.00** | 48 | $ 139.95 | **$ 6,717.60** |
| 10 | W-109 | WEST PIER INSTALL NEW GUARD RAILS | LF | 84 | 84 | $ 375.00 | **$ 31,500.00** | 84 | $ 210.96 | **$ 17,720.64** |
| 11 | W-110 | WEST PIER INSTALL CONCRETE DECK EXTENSIONS | EA | 8 | 8 | $ 995.00 | **$ 7,960.00** | 8 | $ 1,841.50 | **$ 14,732.00** |
| | | **BOAT RAMP DOCK** | | | | | | | | |
| 12 | W-111 | REPAIR SEALANT ON ALL EXPOSED JOINTS | LS | 1 | | $ 15,000.00 | **$ 15,000.00** | | $ 5,920.00 | **$ 5,920.00** |
| | | **BRIDGE** | | | | | | | | |
| 13 | W-112 | BRIDGE PILE JACKETING | EA | 8 | 8 | $ 9,500.00 | **$ 76,000.00** | 8 | $ 5,890.63 | **$ 47,125.04** |
| 14 | W-113 | REPLACE BRIDGE DECKING | SF | 563 | 563 | $ 95.00 | **$ 53,485.00** | 563 | $ 33.90 | **$ 19,085.70** |
| 15 | W-114 | REPLACE BRIDGE 'GUARDRAIL | LF | 144 | 144 | $ 115.00 | **$ 16,560.00** | 144 | $ 105.42 | **$ 15,180.48** |
| 16 | W-115 | EMBANKMENT FILL | CY | 6 | 6 | $ 150.00 | **$ 900.00** | 6 | $ 341.67 | **$ 2,050.02** |
| 17 | W-116 | 1-GAL SAND CORD GRASS (SPARTINA BAKERI) | EA | 154 | 154 | $ 20.00 | **$ 3,080.00** | 154 | $ 16.24 | **$ 2,500.96** |
| 18 | W-117 | FDOT DITCH LINING | TON | 5 | 5 | $ 195.00 | **$ 975.00** | 5 | $ 470.00 | **$ 2,350.00** |
| | | **BOARDWALK** | | | | | | | | |
| 19 | W-118 | REPLACE BOARDWALK PILES | EA | 155 | 155 | $ 700.00 | **$ 108,500.00** | 155 | $ 963.12 | **$149,283.60** |
| 20 | W-119 | REPLACE BOARDWALK FRAMING, DECKING, AND GUARD RAILS | SF | 3838 | 3838 | $ 179.00 | **$ 687,002.00** | 3838 | $ 56.91 | **$218,420.58** |
| | | | | | | | | | | |
| 21 | W-120 | RECORD DRAWINGS | LS | 1 | | $ 15,000.00 | **$ 15,000.00** | | $ 5,000.00 | **$ 5,000.00** |
| | | | | | | Base Bid Total | **$1,195,882.00** | | Base Bid Total | **$625,543.45** |
| **Project management** | | | | | | | | | | |

| | | Company Name | | | Marine Contracting Croup | | | Infinite Construciton | | |
|---|---|---|---|---|---|---|---|---|---|---|
| 22 | 101-1 | MOBILIZATION/DEMOBILIZATION - MAY NOT EXCEED 5% OF THE BASE BID TOTAL (LINES 1 -21)) | | Percent | | 5% | **$ 59,794.10** | | 5% | **$ 31,277.17** |
| 23 | 101-2 | BONDS, TAXES, AND INSURANCE - MAY NOT EXCEED 3% OF THE BASE BID TOTAL (LINES 1 -21) | | Percent | | 2% | **$ 23,917.64** | | 3% | **$ 18,766.30** |
| 24 | 104-10-3 | SEDIMENT BARRIER -STAKED SILT FENCE | LF | 174 | 174 | $ 15.00 | **$ 2,610.00** | | 26.44 | $ 4,600.56 |
| | | | | | | Total Project Management | **$ 86,321.74** | | Total Project Management | **$ 54,644.04** |
| | | **TOTAL BID LUMP SUM W/PROJECT MANAGEMENT** | | | | | **$1,282,203.74** | | | **$680,187.49** |
| **Optional Add/Delete Section** | | | | | | | | | | |
| 25 | W-201 | ADD: SUBSTITUTE FRP FOR ALL NEW REINFORCEMENT | LS | 1 | | $ - | $ - | | $ 39,128.00 | **$ 39,128.00** |
| | | | | | | TOTAL | N/A | | TOTAL | **$ 39,128.00** |
| | | | | | | | | | | |

| | | Company Name | | | Boromei Construction | | |
|---|---|---|---|---|---|---|---|
| | | Component Description | | | | | |
| | | On-Line/Hard Copy | | | Hardcopy | | |
| | | Addendum 1 | | | Yes | | |
| | | Bidder Response Form | | | Yes | | |
| | | Non Collusion Affidavit | | | Yes | | |
| | | Conflict of Interest | | | Yes | | |
| | | Scruitinized Companies | | | Yes | | |
| | | Subcontractor percentage | | | 21% | | |
| | | Resolution | | | Yes | | |
| | | payment method/discount | | | EFT/Net 25 | | |
| | | Bid Bond Hard/Electronic | | | Hardcopy | | |
| | | Electronic Source/# | | | N/A | | |
| | | Project Start Days after NTP | | | 20 Days | | |
| | | completion | | | 15/180 | | |
| | | Legal Business/# of Yrs (3 years) | | | | | |
| | | SunBiz doc # | | | | | |
| | | License CGC #/RX # | | | CGX15008299 | | |
| | | Name | | | Danny Lowry Boromei | | |
| | | Qualifier for Business | | | Danny Lowry Boromei | | |
| | | references - 3 min 2015-2018 /2 forcemain/primary utility work | | | Yes | | |
| | | BBB Search Results | | | No Results | | |
| | | # of Complaints Filed | | | No Results | | |
| | | BBB Reliability Rating | | | No Results | | |
| | | State Convicted List | | | No | | |
| | | State Suspended List | | | No | | |
| | | State Discriminatory List | | | No | | |
| | | State Vendor Complaint List | | | No | | |
| | | Federal Excluded List | | | No | | |
| | | FDOT Suspended List | | | | | |
| **ITEM #** | **TECH. BOOK #** | **DESCRIPTION** | **UOM** | **EST QTY** | **VERIFIED QTY** | **UNIT PRICE** | **EXTD PRICE** |
| | | **DEMOLITION** | | | | | |
| 1 | | DEMOLITION - EAST & WEST FISHING PIER HANDRAILS, BRIDGE DECKING & HANDRAILS, BOARDWALK PILINGS, FRAMING, DECKING AND HANDRAILS | LS | 1 | | $ 120,000.00 | **$ 120,000.00** |

| | | Company Name | | | Boromei Construction | | |
|---|---|---|---|---|---|---|---|
| | | **EAST FISHING PIER** | | | | | |
| 2 | W-101 | EAST PIER SPALLING REPAIR | CF | 7 | 7 | $ 1,500.00 | **$ 10,500.00** |
| 3 | W-102 | EAST PIER REPLACE EXISTING BOLTS | EA | 26 | 26 | $ 100.00 | **$ 2,600.00** |
| 4 | W-103 | EAST PIER RETAP EXISTING BOLTS | EA | 64 | 64 | $ 50.00 | **$ 3,200.00** |
| 5 | W-104 | EAST PIER INSTALL NEW GUARD RAILS | LF | 60 | 60 | $ 200.00 | **$ 12,000.00** |
| 6 | W-105 | EAST PIER INSTALL CONCRETE DECK EXTENSIONS | EA | 6 | 6 | $ 5,000.00 | **$ 30,000.00** |
| | | **WEST FISHING PIER** | | | | | |
| 7 | W-106 | WEST PIER SPALLING REPAIR | CF | 16 | 16 | $ 1,500.00 | **$ 24,000.00** |
| 8 | W-107 | WEST PIER REPLACE EXISTING BOLTS | EA | 90 | 90 | $ 100.00 | **$ 9,000.00** |
| 9 | W-108 | WEST PIER RETAP EXISTING BOLTS | EA | 48 | 48 | $ 50.00 | **$ 2,400.00** |
| 10 | W-109 | WEST PIER INSTALL NEW GUARD RAILS | LF | 84 | 84 | $ 200.00 | **$ 16,800.00** |
| 11 | W-110 | WEST PIER INSTALL CONCRETE DECK EXTENSIONS | EA | 8 | 8 | $ 5,000.00 | **$ 40,000.00** |
| | | **BOAT RAMP DOCK** | | | | | |
| 12 | W-111 | REPAIR SEALANT ON ALL EXPOSED JOINTS | LS | 1 | | $ 7,500.00 | **$ 7,500.00** |
| | | **BRIDGE** | | | | | |
| 13 | W-112 | BRIDGE PILE JACKETING | EA | 8 | 8 | $ 6,500.00 | **$ 52,000.00** |
| 14 | W-113 | REPLACE BRIDGE DECKING | SF | 563 | 563 | $ 35.00 | **$ 19,705.00** |
| 15 | W-114 | REPLACE BRIDGE 'GUARDRAIL | LF | 144 | 144 | $ 110.00 | **$ 15,840.00** |
| 16 | W-115 | EMBANKMENT FILL | CY | 6 | 6 | $ 500.00 | **$ 3,000.00** |
| 17 | W-116 | 1-GAL SAND CORD GRASS (SPARTINA BAKERI) | EA | 154 | 154 | $ 20.00 | **$ 3,080.00** |
| 18 | W-117 | FDOT DITCH LINING | TON | 5 | 5 | $ 700.00 | **$ 3,500.00** |
| | | **BOARDWALK** | | | | | |
| 19 | W-118 | REPLACE BOARDWALK PILES | EA | 155 | 155 | $ 1,500.00 | **$ 232,500.00** |
| 20 | W-119 | REPLACE BOARDWALK FRAMING, DECKING, AND GUARD RAILS | SF | 3838 | 3838 | $ 92.00 | **$ 353,096.00** |
| | | | | | | | |
| 21 | W-120 | RECORD DRAWINGS | LS | 1 | | $ 20,000.00 | **$ 20,000.00** |
| | | | | | | Base Bid Total | **$ 980,721.00** |
| **Project management** | | | | | | | |

| | | Company Name | | | Boromei Construction | | |
|---|---|---|---|---|---|---|---|
| 22 | 101-1 | MOBILIZATION/DEMOBILIZATION - MAY NOT EXCEED 5% OF THE BASE BID TOTAL (LINES 1 -21)) | | Percent | | 5% | **$ 49,036.05** |
| 23 | 101-2 | BONDS, TAXES, AND INSURANCE - MAY NOT EXCEED 3% OF THE BASE BID TOTAL (LINES 1 -21) | | Percent | | 3% | **$ 29,421.63** |
| 24 | 104-10-3 | SEDIMENT BARRIER -STAKED SILT FENCE | LF | 174 | $ 10.00 | | **$ 1,740.00** |
| | | | | | | Total Project Management | **$ 80,197.68** |
| | | **TOTAL BID LUMP SUM W/PI** | | | | | **$1,060,918.68** |
| **Optional Add/Delete Section** | | | | | | | |
| 25 | W-201 | ADD: SUBSTITUTE FRP FOR ALL NEW REINFORCEMENT | LS | 1 | | $ 15,000.00 | **$ 15,000.00** |
| | | | | | | TOTAL | **$ 15,000.00** |

# AGREEMENT F2022105/MAR-PONCEPARK/1511/2
# BETWEEN CITY AND CONTRACTOR

THIS AGREEMENT is dated as of the _____ day of _____ in the year 2023 by and between:

The City of Punta Gorda
326 West Marion Avenue
Punta Gorda, FL 33950
(941) 575-3366

(Hereinafter "**CITY"**) and

Infinite Construction, LLC
6757 Dabney Street
Fort Myers, FL 33966
(239) 826-1268

(Hereinafter "**CONTRACTOR"**)

The Agreement Documents consist of this executed Agreement, the complete Solicitation Package, the CONTRACTOR'S Submittal Package, and all documents that may be executed as a result of this executed agreement. City and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

CONDITIONS OF WORK/PURCHASE: All work performed or purchases made shall be in accordance with the terms and conditions of this Agreement and any attachments hereto. No other conditions or modifications of these terms and conditions will be effective unless specifically agreed to in writing by the CITY's appropriate level of authority. Failure of CITY to object to provisions contained in any acknowledgment, document or other communications from CONTRACTOR shall not be construed as a waiver of this Agreement's terms and conditions or an acceptance of any such provision.

This Agreement and any attachments hereto, constitute the complete and exclusive statement of the parties which supersedes all previous agreements, written or oral, and all communications between the parties relating to the subject matter hereof. This Agreement shall not be modified, supplemented, qualified or interpreted by any prior course of dealing between the parties or by any usage of trade. The CITY's appropriate Change Order Authority are the only parties authorized to make changes or modifications by issuance of an official change notice or Amendment to this Agreement.

## ARTICLE 1. - WORK

All work to be performed in accordance with this Agreement shall be completed in a timely and professional manner. The Project for which the Work under this Agreement may be the whole or only a part is generally described as follows:

PONCE DE LEON PARK BOARDWALK & FISHING PIER IMPROVEMENTS

## ARTICLE 2. – CITY STAFF RESPONSIBILITIES

**REPRESENTATIVE -** The Project has been planned by Weiler Engineering Corporation. Public Works Project Manager, or their designee, who is hereinafter referred to as REPRESENTATIVE will assume all duties and responsibilities and will have the rights and authority assigned to REPRESENTATIVE in this Agreement in connection with completion of the Work in accordance with the Agreement Documents.

**CONTRACT MANAGER** - The Procurement Manager, or their designee, who is hereinafter referred to as CONTRACT MANAGER will assume all duties and responsibilities and will have the rights and authority assigned to ensure contract compliance and management of this Agreement.

**CONTRACT ADMINISTRATOR –** The Procurement Manager, or their designee, who is hereinafter referred to as CONTRACT ADMINISTRATOR shall receive and/or be copied on all correspondence between the CITY and CONTRACTOR for the project and is responsible for all records retention of Agreement correspondence.

## ARTICLE 3. - AGREEMENT TIME

A. The CITY and the CONTRACTOR agree that this Agreement shall be substantially completed within 150 consecutive calendar days and reach final completion within 180 consecutive calendar days upon the formal issuance of a Notice to Proceed. The CONTRACTOR agrees to commence work within 10 consecutive calendar days upon the formal issuance of a Notice to Proceed.

B. The CONTRACTOR must submit to the CITY REPRESENTATIVE As-Built Drawings prior to the final completion date in both AutoCAD and PDF formats. As-builts must be signed and sealed by a State of Florida licensed professional. Final payment will not be released until this requirement is satisfied.

C. CITY reserves the right to inspect the Work and make an independent determination as to the Work's acceptability, even though the ENGINEER may have issued their recommendations. Unless and until the CITY is completely satisfied and accepts all work, neither the final payment nor the retainage shall become due and payable.

## ARTICLE 4. – LIQUIDATED DAMAGES

A. Liquidated Damages - CITY and CONTRACTOR recognize that time is of the essence of this Agreement and that CITY will suffer financial loss if the Work is not completed within the times specified plus any extensions thereof allowed. Both parties also recognize the delays, expense and difficulties involved in proving the actual loss suffered by CITY if the work is not completed on time. Accordingly, instead of requiring any such proof, CITY and CONTRACTOR agree that as liquidated damages for delay (but not as penalty) CONTRACTOR must pay City a rate per the below schedule and based on the total Agreement amount for each calendar day.

| Agreement Amount | Daily Charge Per Calendar Day |
|---|---|
| $50,000 and under | $313 |
| Over $50,000 but less than $250,000 | $580 |
| $250,000 but less than $500,000 | $715 |
| $500,000 but less than $2,500,000 | $1423 |
| $2,500,000 but less than $5,000,000 | $2121 |
| $5,000,000 but less than $10,000,000 | $3057 |
| $10,000,000 but less than $15,000,000 | $3598 |
| $15,000,000 but less than $20,000,000 | $4544 |
| $20,000,000 and over | $8537 plus 0.00027 of any amount over $20 million |

For all Agreements, regardless of whether the contract time is stipulated in calendar days, the CITY REPRESENTATIVE will count days in calendar days. If the Contractor or, in case of his default, the surety fails to complete the work with the time stipulated in this Agreement, or within such extra time that the CITY may have granted the CONTRACTOR or, in case of their default, the surety must pay to the CITY, liquidated damages, in the amount of $1423.00 [based on awarded contract] per calendar day in which work is not completed. The CITY has the right to apply, as payment on such liquidated damages, any money the CITY owes the CONTRACTOR. The CITY does not waive its right to liquidated damages due under this Agreement by allowing the CONTRACTOR to continue and finish the work, or any part of it, after the expiration of the Contract Time including granted time extensions.

B. When the entire Work (or any portion thereof designated in writing by CITY) is ready for its intended use, CONTRACTOR must notify REPRESENTATIVE in writing that the entire Work (or such designated portion) is substantially complete. Within a reasonable time thereafter, REPRESENTATIVE, CONTRACTOR and ENGINEER will make an inspection of the Work (or designated portion thereof) to determine the status of completion.

(1) If CITY, after conferring with the ENGINEER, does not consider the Work (or designated portion) substantially complete, REPRESENTATIVE shall notify CONTRACTOR in writing giving the reasons therefore.

(2) If CITY, after conferring with the ENGINEER, considers the Work (or designated portion) substantially complete, REPRESENTATIVE will prepare and deliver to CONTRACTOR a Certificate of Substantial Completion (Exhibit D), which shall fix the date of Substantial Completion for the entire Work (or designated portion thereof) and include a tentative punch-list of items to be completed and/or corrected by CONTRACTOR before final payment. CITY shall have the right to exclude CONTRACTOR from the Work and Project site (or designated portion thereof) after the date of Substantial Completion, but CITY shall allow Contractor reasonable access to complete or correct items on the tentative punch-list.

C. Upon receipt of written certification by CONTRACTOR that the Work is completed in accordance with this Agreement and is ready for final inspection and acceptance, REPRESENTATIVE and ENGINEER will make such inspection and, if they find the Work acceptable and fully performed under this Agreement shall promptly issue a Final Payment Checklist (Exhibit E), recommending that, on the basis of their observations and inspections, and the CONTRACTOR's certification that the Work has been completed in accordance with the terms and conditions of this Agreement, that the entire balance found to be due CONTRACTOR is due and payable. Neither the final payment nor the retainage shall become due and payable until CONTRACTOR submits:

(1) Receipt of Contractor's Final Application for Payment.
(2) The Release and Affidavit form executed by CONTRACTOR. (Exhibit B)
(3) Final Payment Releases from all subcontractors and suppliers, who filed a Notice to Owner on this Project
(4) Consent of surety to final payment.
(5) Execution and receipt of the final payment check list.
(6) Signed and Sealed As-Built drawings in both PDF and AutoCAD formats.
(7) If required by CITY, other data establishing payment or satisfaction of all obligations, such as receipts, releases and waivers of liens, arising out of the Agreement Documents, to the extent and in such form as may be designated by CITY.

**ARTICLE 5 - RIGHT TO REQUIRE PERFORMANCE**

Failure of the CITY at any time to require performance by the CONTRACTOR of any provision of this Agreement shall not waive the right of the CITY thereafter to enforce same, nor waive the right of the CITY to enforce any breach of any provision of this Agreement, nor waive any succeeding breach of such provision, nor as a waiver of any provision itself.

In the event of a violation of any part of this agreement by the contractor, the CITY shall, among other remedies available under law, have the legal remedy to enforce the provisions of this agreement to prevent any interruption of service to the residents of the CITY. In the event a dispute arises between the CITY and the CONTRACTOR relating to this agreement, performance, or compensation hereunder, the CONTRACTOR must continue to render service in full compliance with all terms and conditions of this agreement as interpreted by the city, regardless of such dispute. However, this shall not prevent the CONTRACTOR from seeking legal relief from any interpretation made by the CITY.

**ARTICLE 6. – CANCELLATION OF CONTRACT**

A. CANCELLATION CLAUSE: This Agreement may be terminated by CITY or the CONTRACTOR should CONTRACTOR or CITY fail to provide in any substantial manner the services and/or commodities required under this Agreement, or otherwise fails to comply with the terms of this Agreement or the Agreement Documents, or violates any ordinance, regulation or other law which applies to its performance under this Agreement. The CITY or the CONTRACTOR may terminate this Agreement under this subparagraph by giving five (5) calendar days written notice. The CITY, at its option, may give CONTRACTOR a reasonable period of time to cure the noncompliance.

B. TERMINATION FOR CONVENIENCE: The CITY may terminate this Agreement for any reason and without cause by giving thirty (30) calendar days written notice to CONTRACTOR. Upon such termination, CONTRACTOR will be compensated for the value of the services performed and/or commodities delivered to the date of termination.

C. DEFAULT: The CITY will provide to the CONTRACTOR written notification stating the nature of non-conformance and/or failure to perform to this Agreement's terms and conditions. All areas cited for non-conformance and/or failure to comply with this Agreement must be remedied by the CONTRACTOR within a ten (10) calendar day period. If not remedied within the stated timeframe, the CITY shall find the CONTRACTOR in default of this Agreement and invoke the cancellation clause without additional time to cure the non-conformance and/or failure to comply. The CONTRACTOR will be removed from the CITY's supplier/contractor list.

D. DELAYS AND EXCUSED PERFORMANCE/FORCE MAJEURE. CONTRACTOR shall not be considered in default by reason of failure, which arises out of causes reasonably beyond the CONTRACTOR's control, and without its fault or negligence. Such causes may include, however, not limited to: Acts of God, the CITY's omissive and commissive failures, natural or public health emergencies, labor disputes, freight embargos.

**ARTICLE 7. - AGREEMENT PRICE**

A. CITY will pay CONTRACTOR in current funds for the completion of the Work/Service for all items listed on the Price Schedule and in accordance with this Agreement. The total lump sum price is six hundred and eighty thousand, one hundred eighty-seven dollars 49/100 ($680,187.49) (Refer to Exhibit A - Price Schedule).

B. CONTINGENCY BUDGET – The CITY is establishing a contingency budget in the amount of fifty thousand, one hundred dollars 0/100 ($50,100.00). The expenditure of these funds must be for justifiable reasons and approved by the CITY REPRESENTATIVE and DEPARTMENT DIRECTOR in the form of a written Agreement Change Order. The CONTRACTOR shall provide the written change order with detailed cost schedule and scope of work to the CITY REPRESENTATIVE.

**ARTICLE 8. – PAYMENT TERMS**

A. The payment terms agreed upon by the CITY and CONTRACTOR are Net 25. The method of payment is Electronic Funds Transfer (EFT).

B. The City shall make payment on all invoices in accordance with the Florida Prompt Payment Act, sections 218.70 through 218.79, Florida Statutes.

C. CITY shall retain five percent (5%) of the gross amount of each monthly Invoice or Application for Payment or five percent (5%) of the portion thereof approved by the REPRESENTATIVE for payment, whichever is less. Such sum will be accumulated and not released to CONTRACTOR until final payment is due unless otherwise agreed to by the CITY in accordance with Florida Statute 255.078.

D. PROGRESS PAYMENTS

1. CONTRACTOR must submit a fully executed copy of the CITY's Application for Payment Form to the REPRESENTATIVE on a monthly basis for work in place for the thirty (30) calendar day period prior to the date of the Application for Payment. The CITY will not compensate for stored materials. REPRESENTATIVE will validate and certify the work in place as stated in the Application for Payment is acceptable and approved for payment. REPRESENTATIVE will submit Applications for Payment for processing.

2. Subsequent to the first Application for Payment, each Application for Payment thereafter shall be accompanied by a Release and Affidavit to Owner (Exhibit B) and Notarized Waiver and Release of Lien (based on Option selected in Bidder's Response Form). The CITY will consider the Application for Payment incomplete and will not make payment until and unless the required documentation is furnished by CONTRACTOR.

   a. NOTARIZED WAIVER AND RELEASE OF LIEN must be submitted from each subcontractor, sub-subcontractor, or supplier that has filed a Notice to Owner for services performed or materials/equipment supplied within the work in place period of the prior Application for Payment. The CITY reserves the right to request the CONTRACTOR to provide the CITY with "Consent of Surety" for any progress payment for bonded projects.

   b. Progress payments to CONTRACTOR shall in no way imply approval or acceptance of CONTRACTOR's work.

E. FINAL PAYMENT.

1. Upon final completion and CITY's inspection and acceptance of the Work in accordance with this Agreement, CITY shall pay the remainder of this AGREEMENT as recommended by the REPRESENTATIVE upon receipt of the "Consent of Surety Company to Final Payment" form and a completed CONTRACTOR'S AFFIDAVIT TO OWNER (Exhibit B) prior to the release of final payment. The CONTRACTOR and REPRESENTATIVE shall jointly complete the Final Payment Checklist (Exhibit E), submit the executed Certificate of Substantial Completion, materials certification and one (1) signed and sealed set of final "as-built plans" documenting the Contractor's work.

2. PROJECT RECORDS - OPTIONS.

   a. ☒ OPTION 1: Final payment is contingent upon the CONTRACTOR complying with Florida Statute 119.0701 Public Records, which requires the CONTRACTOR to transfer to CITY, at no cost, all CITY project documents in their possession and considered to be public records in accordance with Florida Statute 119. The documents may be in paper form or electronic PDF format.

i. **Final payment application for payment shall include the following documentation. Failure to submit the following documentation or required data shall result in the CITY non-payment of the application until all documentation is received and correct.**

1. A copy of all subcontractor and material invoices, which clearly displays dates of service performed or materials received, description of services performed or materials purchased, location of services performed or materials delivered, cost of services performed or materials purchased, name of subcontractor or supplier.

2. Subcontractors shall be responsible for furnishing the above documentation to the CONTRACTOR with the invoices.

b. ☐ OPTION 2: CONTRACTOR elected to assume full responsibility to keep and maintain all public records to perform the service under this Agreement. The CONTRACTOR is fully responsible to meet all applicable requirements for retaining public records in accordance with CHAPTER 119, FLORIDA STATUTES.

F. Payments will be made for work performed in accordance with this Agreement, Amendments, and/or authorized change orders, which are documented on an Invoice or Application for Payment and validated by the CITY REPRESENTATIVE for payment within six (6) months after completion of this Agreement. Any untimely submission of Invoice or Application for Payment beyond the specified deadline period is subject to non-payment under the legal doctrine of "laches" as unreasonable delay in pursuing a claim. Time shall be deemed of the essence with respect to the timely submission of Invoice or Application for Payment under this Agreement.

## ARTICLE 9. – WARRANTY/GUARANTEES

A. COVENANT AGAINST GRATUITIES: CONTRACTOR warrants that no gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by CONTRACTOR, or any agent or representative of CONTRACTOR, to any officer or employee of CITY with a view toward securing this Agreement or favorable treatment with respect to any determination concerning the performance of this Agreement. In the event of breach of this warranty, CITY shall be entitled to pursue the same remedies including, but not limited to, termination, against CONTRACTOR as it may pursue in the event of CONTRACTOR's default.

B. SPECIFICATION WARRANTY. The CONTRACTOR warrants that all services will be in full accordance with the specifications and requirements of the solicitation package and this Agreement.

C. GUARANTEE. The CONTRACTOR must guarantee all work for a period of one (1) year from the date of final completion of projects and the CITY'S inspection and acceptance of project.

1. CHANGES REQUIRED IN CONNECTION WITH GUARANTEED WORK. If, within the guarantee period, restoration, repairs or changes are required in connection with guaranteed work, which, in the opinion of the CITY, is rendered necessary as the result of the use of materials, equipment or workmanship which are inferior, defective, or not in accordance with the terms of this Agreement, the CONTRACTOR must promptly upon receipt of written notice from the CITY and without expense to the CITY, do the following:

a. Place in satisfactory condition, in every particular incident, all of such guaranteed work and correct all defects therein.

b. Make good on all damage(s) to a structure, building or site, or equipment or piping or contents thereof, which, in the opinion of the CITY, is the result of the use of materials, equipment or workmanship, which are inferior, defective, or not in accordance with the terms of this Agreement.

c. Make good any work or material, or the equipment and contents of building, structure or site disturbed in fulfilling any such guarantee.

d. Restart the guarantee period on all corrected work performed.

2. CONTRACTOR'S FAILURE TO COMPLY WITH TERMS OF GUARANTEE. If the CONTRACTOR, after written notice form the CITY, fails within ten (10) business days to comply with the terms of this guarantee, the CITY may have the defects corrected, and the CONTRACTOR and his surety will be liable for all expenses incurred; provided, however that in case of emergency where, in the opinion of the CITY, delay would cause loss or damage, repairs may be started without notice being given to the CONTRACTOR and the CONTRACTOR shall pay the cost thereof.

## ARTICLE 10. - CHANGE ORDER TO CONTRACT

A. All requests for changes to the this Agreement will be made in writing and are subject to written acceptance by the appropriate level of CITY authority.

B. The following are the Change Order Authority Levels for the CITY.

1. CITY Representative for non-construction - the City Representative or Project Manager has the authority to approve change order requests in an amount under one thousand ($1,000.00) and may approve requests for Agreement time extensions not to exceed five (5) days. Minor non-monetary changes, which do not result in a change in the Agreement amount, may also be approved by the City Representative or Project Manager.

2. CITY Representative/Project Manager for construction - the construction Project Manager has the authority to approve change order requests in an amount under five thousand ($5,000.00), which shall be subject to availability of funds, and may approve requests for contract time extensions not to exceed five (5) days. Minor non-monetary changes, which do not result in a change in the Agreement amount, may also be approved by the construction Project Manager.

3. Procurement Manager - the Procurement Manager may approve change orders in a singularly or cumulatively amount that does not exceed 25% of the total Agreement price with a maximum cap of fifty thousand dollars ($50,000.00) with the exception of contracts requiring City Council's approval for an award. The Procurement Manager may authorize contract time extension in excess of five (5) days and non-monetary changes, which are not considered minor, which do not result in a change in the Agreement amount.

4. City Manager - the City Manager may approve all change orders with the exception of contracts that require the City Council's approval.

5. City Council - the City Council shall approve change orders for Agreement exemption that are reserved for City Council approval (i.e. Franchises, inter-local agreements, land, legal, auditing, actuarial services and medical director).

C. The CONTRACTOR fully understands the CITY's Change Order Policy. In the event the CONTRACTOR begins work on unauthorized changes to scope prior to receiving a signed Change Order by the CITY's appropriate level of authority, they do so at their own expense and risk not being compensated by the CITY for performing unauthorized work.

## ARTICLE 11. - BONDS: PERFORMANCE/PAYMENT BOND

Performance/Payment Bond must be one hundred percent (100%) of the total value of this Agreement and be in force for the term of this Agreement. If Agreement amount is increased by a change order or Amendment in excess of ten thousand dollars ($10,000.00), the bond must be increased to cover the revised Agreement's value. Bonds must be obtained from firms authorized and licensed, and holding certificates of authority to carry on business within the State of Florida and issued by a Florida Agent. Purpose of the bond is to ensure the CONTRACTOR fulfills all aspects of this Agreement in good faith. The Performance and Payment Bond period must be for a period of no less than one (1) year following the City's acceptance of the final construction project. Bonds must be recorded by the CONTRACTOR, at their cost, at the Charlotte County Clerk of Court's office.

## ARTICLE 12. - INSURANCE REQUIREMENTS

The CONTRACTOR, before commencing any work, must provide insurance and furnish the City with a Certificate of Insurance for **themselves and all subcontractors** as follows:

- THE CITY IS TO BE SPECIFICALLY INCLUDED AS AN ADDITIONAL INSURED (WITH REGARDS TO GENERAL LIABILITY). ENDORSEMENT DOCUMENTATION MUST BE PROVIDED.
- A CITY Division, Department or individual name shall NOT appear on the Certificate.
- THE CITY MUST BE NAMED AS CERTIFICATE HOLDER. **PLEASE NOTE THAT THE CERTIFICATE HOLDER SHOULD READ AS FOLLOWS:**

City of Punta Gorda
326 W. Marion Avenue
Punta Gorda, Florida 33950

**NO OTHER FORMAT WILL BE ACCEPTABLE.**

- GENERALLY REQUIRED COVERAGE INCLUDES:
    - COMMERCIAL GENERAL LIABILITY - Not less than $1,000,000 per occurrence; combined single limit for bodily injury liability and property damage liability. This shall include the following endorsements: premises and/or operations, independent contractors and products and/or completed operations, broad form property damage and Jones Act.
    - Business Auto Policy - Not less than $500,000 Per Occurrence; Combined Single Limit for Bodily Injury Liability and Property Damage Liability. This shall include Owned Vehicles, Hired and Non-Owned Vehicles, and Employees Non-Ownership.
    - Professional Liability - Not less than $1,000,000 Per Claim
    - Builder's Risk Policy - CONTRACTOR must provide evidence of a current builder's risk insurance policy with limits to meet or exceed the value of this Agreement.
    - Workers Compensation – Insurance covering all employees meeting Statutory Limits in compliance with the applicable state and federal laws. The coverage must include Employers' Liability with a minimum of $100,000.00 for each accident. ***Must have full endorsement of the U.S. Longshoreman & Harbor Act.

Should any of the policies be cancelled before the expiration thereof, notice will be delivered in accordance with the policy provisions. CONTRACTOR must provide notice to CITY at any time CONTRACTOR becomes aware of any cancellation or material change in the above insurance policies.

## ARTICLE 13. - CONTRACTOR'S REPRESENTATIONS

In order to induce the City to enter into this Agreement, CONTRACTOR makes the following representations and assurances:

1. Bidder must currently hold one of the following licenses/certification to bid: State of Florida Certified General Contractor (CGC), or State of Florida Certified Marine Specialty Contractor (SCC). Contractor must maintain current licensure as stated through the term of this Agreement.

2. CONTRACTOR must maintain a current City of Punta Gorda Certificate of Competency through the term of the Agreement.

3. CONTRACTOR must be legal to perform business within the state of Florida. If CONTRACTOR is outside of the state of Florida they must hold a current Certificate of Authority issued through the Department of State and in accordance with Florida Statute 607.1501.

4. CONTRACTOR must hold and maintain current Business Tax Receipt for CONTRACTOR's locality for the term of this Agreement. CONTRACTOR must hold and maintain current City of Punta Gorda Business Tax Receipt for the term of this Agreement IF their business if physically located within the city limits.

5. The Contractor must furnish each of the subcontractors, manufacturers, and suppliers such copies of the Agreement documents (i.e. plans, drawings, specifications, etc.) as may be required for their work. Additional copies of the Agreement documents, when requested, may be furnished to the Contractor at cost of reproduction.

6. CONTRACTOR has familiarized himself with the nature and extent of this Agreement, Work, Locality, and with all local conditions and federal, state and local laws, ordinances, rules and regulations that in any manner may affect cost, progress or performance of the Work.

7. CONTRACTOR must comply with all Federal, State and Local rules, policies and ordinance in the performance of their work and document management.

8. CONTRACTOR has studied carefully all reports of investigations and tests of subsurface and latent physical conditions at the site or otherwise affecting cost, progress, or performance of the Work, which were relied upon by REPRESENTATIVE in the preparation of the Construction Plans and Specifications included in the solicitation package.

9. CONTRACTOR has made or caused to be made investigations, tests, examinations and studies of such reports and related data as he/she deems necessary for the performance of the Work at the Agreement Price, within the Contract Time and in accordance with the other terms and conditions of this Agreement; and additional examinations, investigations, tests, reports or similar data are or will not be required by CONTRACTOR for such purposes.

10. CONTRACTOR has correlated the results of all such observations, examinations, investigations, tests, reports, and data with the terms and conditions of this Agreement.

11. CONTRACTOR has given CONTRACT ADMINISTRATOR written notice of all conflicts, errors or discrepancies that has been discovered in this Agreement and the written resolution thereof by CONTRACT ADMINISTRATOR is acceptable to CONTRACTOR.

12. CONTRACTOR certifies they will utilize the E-Verify system in accordance with the terms governing the use of the system to confirm the eligibility of employees and subcontractor requirements in accordance with Florida Statutes, Section 448.095. CONTRACTOR understands and acknowledges that the City shall terminate any contract with a person or entity which has knowingly violated Florida Statutes, Section 448.095.

13. SUBCONTRACTORS:

a. CONTRACTOR is fully responsible for the actions of their Subcontractors. Therefore, should a Subcontractor perform work outside of this Agreement's scope of work they do so at the CONTRACTOR's expense and risk not being compensated by the CITY for performing unauthorized work.

b. The CITY reserves the right to accept the use of a subcontractor or to reject the selection of a particular subcontractor and to inspect all facilities of any subcontractor in addition to checking of prior performance of like or similar work as delineated in part or whole as pertinent to this Agreement.

c. CONTRACTOR is required to notify the CONTRACT MANAGER of all intended changes to the subcontractor list (Exhibit F). CONTRACT MANAGER will issue written notice to the CONTRACTOR indicating the acceptance or rejection of the intended subcontractor change.

14. Equal Employment Opportunity Clause. CONTRACTOR must be in compliance with Executive Order 11426 Equal Opportunity as amended by Executive Order 11375, and as supplemented by the Department of Labor Regulations as applicable.

15. Contract Work Hours/Safety Standards Act. CONTRACTOR must be in compliance with provisions of Section 103 and Section 107 of Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) and as supplemented by the Department of Labor Regulations (Part V, 28CFR).

16. SAFETY COMPLIANCE. It shall be the CONTRACTOR'S sole responsibility to comply with all Local, State and Federal rules and regulations while performing work under this Agreement. These regulations include, but are not limited to: Confined Space, Lock-out/Tag-out, Hazard Communications, Personal Protective Equipment, Excavation Safety, Respiratory Protection, and Hot Work Permits.

17. Competent Personnel. CONTRACTOR warrants that all services will be performed by skilled and competent personnel to the highest professional standards in this scope of work.

## ARTICLE 14. – INDEMNIFICATION / LIMITS OF LIABILITY

A. INDEMNIFICATION The CONTRACTOR shall be fully liable for the actions of its agents, employees, partners, or subcontractors and shall fully indemnify, defend, and hold harmless the CITY, and their officers, agents, and employees, from suits, actions, damages, and costs of every name and description, including attorneys' fees, arising from or relating to personal injury and damage to real or personal tangible property alleged to be caused in whole or in part by CONTRACTOR, its agents, employees, partners, or subcontractors, provided, however, that the CONTRACTOR shall not indemnify for that portion of any loss or damages proximately caused by the negligent act or omission of the CITY.

Further, the CONTRACTOR shall fully indemnify, defend, and hold harmless the CITY from any suits, actions, damages, and costs of every name and description, including attorneys' fees, arising from or relating to violation or infringement of a trademark, copyright, patent, trade secret or intellectual property right, provided, however, that the foregoing obligation shall not apply to misuse or modification or CONTRACTOR's products. If any product is the subject of an infringement suit or in the CONTRACTOR'S opinion is likely to become the subject of such a suit, the CONTRACTOR may at its sole expense PROCURE for the CITY the right to continue using the product or to modify it to become non-infringing. If the CONTRACTOR is not reasonably able to modify or otherwise secure the right to continue using the product, the CONTRACTOR shall remove the product and refund the CITY amounts paid in excess of a reasonable payment for past use. The CITY shall not be liable for any royalties.

The CONTRACTOR's obligations under the preceding two paragraphs with respect to any legal action are contingent upon the CITY giving the CONTRACTOR (1) written notice of any action or threatened action, (2) the opportunity to take over and settle or defend any such action at CONTRACTOR'S sole expense, and (3) assistance in defending the action at

CONTRACTOR's sole expense. The CONTRACTOR shall not be liable for any cost, expense, or compromise incurred or made by the CITY in any legal action without the CONTRACTOR's prior written consent, which shall not be unreasonably withheld.

A. LIMITATION OF LIABILITY. For all claims against the Contractor under any individual purchase order, and regardless of the basis on which the claim is made, the Contractor's liability under this Agreement for direct damages shall be limited to the greater of $25,000, or the dollar amount of the purchase order, or two times the charges rendered by the Contractor under this Agreement. This limitation shall not apply to claims arising under the Indemnity paragraph contained in this agreement.
Unless otherwise specifically enumerated in the Agreement or in the purchase order, no party shall be liable to another for special, indirect, punitive, or consequential damages, including lost data or records (unless the purchase order requires the CONTRACTOR to back-up data or records), even if the party has been advised that such damages are possible. No party shall be liable for lost profits, lost revenue, or lost institutional operating savings. The CITY and Customer may, in addition to other remedies available to them at law or equity and upon notice to the CONTRACTOR, retain such monies from amounts due the CONTRACTOR as may be necessary to satisfy any claim for damages, penalties, costs and the like asserted by or against them. The CITY may set off any liability or other obligation of the CONTRACTOR or its affiliates to the CITY against any payments due the CONTRACTOR under any contract with the CITY.

## ARTICLE 15. - MISCELLANEOUS

A. PUBLIC RECORDS COMPLIANCE/MANAGEMENT

1. CONTRACTOR'S RESPONSIBILITY FOR COMPLIANCE WITH CHAPTER 119, FLORIDA STATUTES. Pursuant to Section 119.0701, F.S., CONTRACTOR agrees to comply with all public records laws, specifically to:

    a. Keep and maintain public records required by the CITY to perform the service.
        i. The timeframes and classifications for records retention requirements must be in accordance with the General Records Schedule GS1-SL for State and Local Government Agencies. (*See http://dos.dos.state.fl.us/library-archives/records-management/general-records-schedules/).*
        ii. Records include all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business with the City. CONTRACTOR'S records under this Agreement include but are not limited to, supplier/subcontractor invoices and contracts, project documents, meeting notes, emails and all other documentation generated during this Agreement.
    b. Upon request from the CITY's custodian of public records, provide the CITY with a copy of the requested records or allow the records to be inspected or copies within a reasonable time at a cost that does not exceed the cost provided for by law. If a CONTRACTOR does not comply with the CITY's request for records, CITY shall enforce the provisions in accordance with the contract.
    c. Ensure that project records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of this Agreement if the CONTRACTOR does not transfer the records to CITY.
    d. Upon completion of the contract, transfer, at no cost, to the CITY all public records in possession of the CONTRACTOR **or** keep and maintain public records required by the CITY to perform the service. If the CONTRACTOR transfers all public records to the CITY upon completion of the contract, the CONTRACTOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the CONTRACTOR keeps and maintains public records upon the completion of the contract, the CONTRACTOR shall meet all applicable requirements for retaining public records. All records kept electronically must be provided to the CITY, upon request from the CITY's custodian of public records, in a format that is compatible with the information technology systems of the CITY.

    A CONTRACTOR who fails to provide the public records to the CITY within a reasonable time may also be subject to penalties under Section 119.10, Florida Statutes.

    CONTRACTOR identified in their Submittal Package to this Solicitation the following option elected for the management of public records upon final completion of the project:

☒ CONTRACTOR elects to submit ALL documentation related to this Agreement, inclusive of sub-contracts, in electronic format, which is acceptable to the City, to the CONTRACT ADMINISTRATOR. Final payment will not be processed without the CITY's receipt of all documentation.

☐ CONTRACTOR elects to assume the responsibility to manage and retain ALL documentation related to this Agreement in full accordance with Chapter 119 State Statute and the General Records Schedule GS1-SL for State and Local Government Agencies. (*See* *http://dos.dos.state.fl.us/library-archives/records-management/general-records-schedules/)*

**IF CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CITY OF PUNTA GORDA PURCHASING DIVISION CUSTODIAN OF PUBLIC RECORDS AT (941)575-3366,** PGPURCH@CityofPuntaGordaFL.com **, OR 326 W. MARION AVENUE, PUNTA GORDA FL 33950.**

B. CITY'S RIGHT TO AUDIT. The CITY reserves the right to audit the CONTRACTOR's records throughout the term of this Agreement and in accordance with Public Records requirement established for the retention period.

C. AUDIT DISALLOWANCES. If at any time the CITY determines that a cost for which payment has been made is a disallowed cost, such as overpayment, CITY will notify the CONTRACTOR in writing of the disallowance. CITY will also state the means of correction, which may include, but shall not be limited to, adjustment of any future claim/invoice submitted by the CONTRACTOR by the amount of the disallowance, or to require repayment of the disallowed amount by the CONTRACTOR.

D. SETTLEMENT OF DISPUTES

1. Any dispute concerning a question of fact arising under this Agreement that is not resolved by this Agreement shall be decided by the CONTRACT MANAGER, who may consider any written or verbal evidence submitted by the CONTRACTOR. The decision of the CONTRACT MANAGER, issued in writing, will be the final decision of the CITY.

2. Neither the pendency of a dispute nor its consideration by the CONTRACT MANAGER will excuse the CONTRACTOR from full and timely performance in accordance with the terms of this Agreement.

E. SUBSTITUTIONS. In the event the CONTRACTOR is unable to provide the commodity or equipment specified in this Agreement, due to manufacturer or supplier discontinuing specified parts, is unable to secure sufficient supplies to fulfill all orders, the CONTRACTOR will be allowed to substitute an item of equal or better quality provided:

1. The product is sold at the Agreement price;
2. The CITY is contacted in writing in advance of the substitution;
3. The City retains the right to determine "equal or better quality"; and
4. The CITY gives written approval of substitution.

If the CONTRACTOR is unable to fulfill all obligations in accordance with these terms and conditions, the City may acquire the product in the open marketplace with any cost increase being the responsibility of the CONTRACTOR.

F. INDEPENDENT CONTRACTOR. CONTRACTOR must perform the services under this Agreement as an independent contractor and not as an employee, or, unless otherwise specifically stated herein, as an agent of the CITY.

G. No assignment by a party hereto of any rights under or interests in this Agreement will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitations, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

H. JURISDICTION AND VENUE. This Agreement shall be governed in accordance with the laws of the State of Florida, and the parties hereto agree that venue will be Charlotte County, Florida.

I. ATTORNEY'S FEES. In the event of any dispute arising under this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, costs and expenses.

J. CITY and CONTRACTOR each binds himself/herself, his/her partners, successors, assigns and legal representatives to the other party hereto, his/her partners successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in this Agreement. No assignment by a party hereto of any rights under or interests in this Agreement will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitations, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

K. The CITY and the CONTRACTOR agree that this Agreement sets forth the entire Agreement between the parties, and that there are no promises or understandings other than those stated herein. None of the previous terms and conditions contained in this Agreement may be added to, modified, superseded, or otherwise altered, except by written instrument executed in full concurrence by the parties thereto.

IN WITNESS WHEREOF, the undersigned signatories declare they are authorized to enter into this Agreement and sign on behalf of their respective party. All portions of this Agreement have been acknowledged by CONTRACTOR and CITY. The parties hereto have signed this Agreement in duplicate. One counterpart each has been delivered to CITY and CONTRACTOR.

**CONTRACTOR –** Infinite Construction, LLC

_____
Witness

By: _____

Address for giving Notices:
6745 Dabney Street
Fort Myers, Florida 3366

Print Name: _____

Date: _____

**CITY OF PUNTA GORDA**

_____
Witness

By: _____

Address for giving Notices:
Procurement Office
326 W. Marion Avenue
Punta Gorda, FL 33950

Print Name: _____

Date: _____

# EXHIBIT A – Price Schedule

| ITEM # | TECH. BOOK # | DESCRIPTION | UOM | ENG EST QTY | VERIFI -ED QTY | UNIT PRICE | EXTD PRICE |
|---|---|---|---|---|---|---|---|
| | | **DEMOLITION** | | | | | |
| 1 | | DEMOLITION - EAST & WEST FISHING PIER HANDRAILS, BRIDGE DECKING & HANDRAILS, BOARDWALK PILINGS, FRAMING, DECKING AND HANDRAILS | LS | 1 | | $ 46,500.00 | **$ 46,500.00** |
| | | **EAST FISHING PIER** | | | | | |
| 2 | W-101 | EAST PIER SPALLING REPAIR | CF | 7 | 7 | $ 1,309.15 | **$ 9,164.05** |
| 3 | W-102 | EAST PIER REPLACE EXISTING BOLTS | EA | 26 | 26 | $ 147.16 | **$ 3,826.16** |
| 4 | W-103 | EAST PIER RETAP EXISTING BOLTS | EA | 64 | 64 | $ 110.23 | **$ 7,054.72** |
| 5 | W-104 | EAST PIER INSTALL NEW GUARD RAILS | LF | 60 | 60 | $ 223.34 | **$ 13,400.40** |
| 6 | W-105 | EAST PIER INSTALL CONCRETE DECK EXTENSIONS | EA | 6 | 6 | $ 1,954.80 | **$ 11,728.80** |
| | | **WEST FISHING PIER** | | | | | |
| 7 | W-106 | WEST PIER SPALLING REPAIR | CF | 16 | 16 | $ 978.00 | **$ 15,648.00** |
| 8 | W-107 | WEST PIER REPLACE EXISTING BOLTS | EA | 90 | 90 | $ 134.83 | **$ 12,134.70** |
| 9 | W-108 | WEST PIER RETAP EXISTING BOLTS | EA | 48 | 48 | $ 139.95 | **$ 6,717.60** |
| 10 | W-109 | WEST PIER INSTALL NEW GUARD RAILS | LF | 84 | 84 | $ 210.96 | **$ 17,720.64** |
| 11 | W-110 | WEST PIER INSTALL CONCRETE DECK EXTENSIONS | EA | 8 | 8 | $ 1,841.50 | **$ 14,732.00** |
| | | **BOAT RAMP DOCK** | | | | | |
| 12 | W-111 | REPAIR SEALANT ON ALL EXPOSED JOINTS | LS | 1 | | $ 5,920.00 | **$ 5,920.00** |
| | | **BRIDGE** | | | | | |
| 13 | W-112 | BRIDGE PILE JACKETING | EA | 8 | 8 | $ 5,890.63 | **$ 47,125.04** |
| 14 | W-113 | REPLACE BRIDGE DECKING | SF | 563 | 563 | $ 33.90 | **$ 19,085.70** |
| 15 | W-114 | REPLACE BRIDGE 'GUARDRAIL | LF | 144 | 144 | $ 105.42 | **$ 15,180.48** |
| 16 | W-115 | EMBANKMENT FILL | CY | 6 | 6 | $ 341.67 | **$ 2,050.02** |
| 17 | W-116 | 1-GAL SAND CORD GRASS (SPARTINA BAKERI) | EA | 154 | 154 | $ 16.24 | **$ 2,500.96** |
| 18 | W-117 | FDOT DITCH LINING | TON | 5 | 5 | $ 470.00 | **$ 2,350.00** |
| | | **BOARDWALK** | | | | | |
| 19 | W-118 | REPLACE BOARDWALK PILES | EA | 155 | 155 | $ 963.12 | **$149,283.60** |
| 20 | W-119 | REPLACE BOARDWALK FRAMING, DECKING, AND GUARD RAILS | SF | 3838 | 3838 | $ 56.91 | **$218,420.58** |
| | | | | | | | |
| 21 | W-120 | RECORD DRAWINGS | LS | 1 | | $ 5,000.00 | **$ 5,000.00** |
| | | | | | | **BASE BID TOTAL** | **$625,543.45** |
| **PROJECT MANAGEMENT** | | | | | | | |
| 22 | 101-1 | MOBILIZATION/DEMOBILIZATION - MAY NOT EXCEED 5% OF THE BASE BID TOTAL (LINES 1 -21)) | | % | | 5% | **$ 31,277.17** |
| 23 | 101-2 | BONDS, TAXES, AND INSURANCE - MAY NOT EXCEED 3% OF THE BASE BID TOTAL (LINES 1 -21) | | % | | 3% | **$ 18,766.30** |
| 24 | 104-10-3 | SEDIMENT BARRIER -STAKED SILT FENCE | LF | 174 | 174 | 26.44 | $ **4,600.56** |
| | | **TOTAL BID LUMP SUM W/PROJECT MANAGEMENT** | | | | | **$680,187.49** |

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**REGULAR AGENDA**

| | |
|---|---|
| **Title:** | Award of solicitation to Preferred Materials, Inc, of Lutz, Florida for purchase of marine grade ready mix for the construction of seawall panels. |
| **Funds:** | Canal Maintenance Funds. Additional budget may be appropriated at a later date from financing and/or FEMA grant revenue related to Hurricane Ian.<br>Award will allow the production of seawall panels to begin. |
| **Recommended Action:** | Staff recommends award of solicitation to Preferred Materials, Inc, of Lutz, Florida as being the lowest responsive and responsible bidder. |
| **Summary:** | Procurement solicited bids for a contractor to furnish and deliver marine grade ready mix to the City's Public works Division for the construction of seawall panels. These panels will be used for the replacement of seawalls damaged in Hurricane Ian. Solicitation notices were sent to 586 vendors, 11 viewed the solicitation on-line, and the city received 2 responses. The estimated expenditure for this project is $1,865,600.00, which includes approximately 9,800 cubic yards of marine grade ready mix concrete at $185.00 per cubic yard. |
| **Department/Division:** | Finance |

**EXHIBITS:**

1. Recommendation for Award
2. Solicitation Document

Punta Gorda
FLORIDA

# INTEROFFICE MEMORANDUM

**To:** Cathy Miller, Bryan Clemons, Anne Heinen, Kristin Simeone, Gregory Murray
**From:** Julie Rogan-Sutter, Sr. Purchasing Agent
**Date:** January 20, 2022
**Subject:** **F2022103/MAT-CONCRETE/EOC/2223 – AWARD RECOMMENDATION**

**Project Description (Refer to the attached evaluation for detailed information):** Award a contract for a contractor to furnish and deliver Marine Grade Ready mix to the City's Public Works Yard, 3130 Cooper Street, Punta Gorda, FL 33950 for the construction of seawall slabs. These slabs will be used for replacement of seawalls damaged in Hurricane Ian and any future potential FEMA Eligible events. This contract will be fixed unit pricing for a one (1) year period.

Total Vendors noticed: 586 Vendors accessed solicitation: 11 Total Responses: 2

Total M/W/Dbe noticed: 432 Total M/W/Dbe Responses: 0

Responses Disqualified/Rejected: 0 (Refer to evaluation)

**Award Amount**: Estimated Annual Expenditure/term contract: $1,865,600.00

**Funding:** Term Contract – Purchases as required to complete the repairs, through Department/Divisions accounts

☐ Funds available ☐ Funds not available/transfer required ☐ Funds not available/to be appropriated

**Department/Division Recommendation:**

☒ Apparent Low Bidder: Preferred Materials, Inc.
☐ Do not award at this time, due to: _____
☐ Recommending award other than the Apparent Low Bidder to: _____
(Department must complete and attach a Waiver of Low Bidder form to this recommendation)

Savings: $1,278,000.00 / Add'l Notes: Savings based on cost avoidance..

**Recommendation Approval:**

| | | | |
|---|---|---|---|
| Cathy Miller | 1/23/2023 | Bryan Clemons | 1-23-23 |
| | Date | | Date |

Punta Gorda
FLORIDA

# INTEROFFICE MEMORANDUM

**Authority to award services:**

☐ Procurement Manager ☒ City Manager ☑ City Council – Meeting Date: February 1, 2023

| **AWARD AUTHORIZATION** | | | |
|---|---|---|---|
| Recommendation Approval:<br>Anne Heinen, Procurement Manager | 1/23/23<br>Date | ☒ Concur | ☐ Nonconcurrence |
| Funds Verification:<br>Gary Butler Digitally signed by Gary Butler Date: 2022.12.20 05:23:15 -05'00'<br>Kristin Simeone, Finance Director | Date | ☑ Concur | ☐ Nonconcurrence |
| Approval to Submit to Council for Award<br>Gregory Murray, City Manager | 1/23/23<br>Date | ☒ Concur | ☐ Nonconcurrence |

**Bid Request Number** **F2022103/MAT-CONCRETE/EOC/2223**

| Specification Responses | | | | Quality Enterprises USA,Inc | | Preferred Materials | | Current Contract Pricing | |
|---|---|---|---|---|---|---|---|---|---|
| | Submittal Components | | | | | | | **Preferred Materials** | |
| | On-Line / Hardcopy | | | On-line | | Harcopy | | Current contract does not have the federal requirements needed for FEMA reimbursment. In addition, the vendor is unable to provide the commodity at unit prices established in August of 2020. Raw materials have seen a significant increase in the last 24 months. Vendor has requested an equitable adjustment to bring existing contract prices more inline with the current market. | |
| | DBE/WBE/MBE Certification | | | N/A | | N/A | | | |
| | UEI | | | D3DLBQJ7N6X8 | | Y9L7MAZYQG95 | | | |
| | CAGE CODE | | | OXMZ7 | | 7EK24 | | | |
| | Verify on sam.gov not listed as debarred vendor? | | | No Exclusions | | No Exclusions | | | |
| | Bidder's Response Form/City Forms | | | Yes | | Yes | | | |
| | Federal Forms - Conflict/Debar/IHH/Non-Collusion | | | Yes | | Yes | | | |
| **Line** | **Description** | **UOM** | **QTY** | **Unit** | **Extended** | **Unit** | **Extended** | **Unit** | **Extended** |
| 1 | Marine Grade 5500 Ready Mix | Cubic Yard | 9,800 | $300.00 | $2,940,000.00 | $185.00 | $1,813,000.00 | $142.18 | $1,393,364.00 |
| 2 | Environmental Fee | Cubic Yard | 9,800 | $20.00 | $196,000.00 | $4.00 | $39,200.00 | $3.30 | $32,340.00 |
| 3 | Euco-Bar Surface Retardant | Gallon | 200 | $30.00 | $6,000.00 | $60.00 | $12,000.00 | $55.84 | $11,168.00 |
| 4 | Short Load Charge – Less than 5 Cubic Yards | Cubic Yard | 4 | $400.00 | $1,600.00 | $350.00 | $1,400.00 | $181.50 | $726.00 |
| | | | | | | | | | |
| | **TOTAL UNIT PRICE** | | | | **$750.00** | | **$599.00** | | **$382.82** |
| | **TOTAL EXTENDED PRICE** | | | | **$3,143,600.00** | | **$1,865,600.00** | | **$1,437,598.00** |
| | | | | | | | | | |
| | Min cy for short load | | | < 5 | | < 5 | | | |
| | RESPONSE TIME - DELIVERY | | | Not provided | | 10 Days | | | |
| | | | | | | | | | |
| | PAYMENT TERM | | | Net 30 | | Net 30 | | | |
| | | | | | | | | | |
| | | | | | | | | | |

**SUBMIT HARDCOPY DOCUMENTS TO:**

**City of Punta Gorda**
**Procurement Division**
**Mailing: 326 W. Marion Avenue**
**Physical: 126 Harvey St, 2nd Floor**
**Punta Gorda, FL 33950**

# City of PUNTA GORDA, Florida

## NOTICE OF AVAILABILITY

**Solicitation Type:**
**Invitation to Bid**

**RELEASE DATE: December 6, 2022**

**SOLICITATION #F2022103**

**PROJECT NAME: MAT-CONCRETE/EOC/2223**

City of Punta Gorda is requesting submittal packages from qualified bidders to provide:

**SCOPE: The City desires to award a contract for a contractor to furnish and deliver Marine Grade Ready mix to the City's Public Works Yard, 3130 Cooper Street, Punta Gorda, FL 33950 for the construction of seawall slabs. these slabs will be used for replacement of seawalls damaged in Hurricane Ian and any future potential Fema Eligible events.**

**This contract will be for a fixed unit pricing for a one (1) year period.**

**This contract and issued services/commodities will be in full accordance with Federal Uniform Guidance, 2 CFR 200.**

**Public Notice of Availability:**
- www.pgorda.com
- Procurement Office, 126 Harvey Street, Punta Gorda, FL 33950
- City Clerk's Office, 326 W. Marion Avenue, Punta Gorda, FL 33950

Posted: December 6, 2022

**AUTHORIZED CITY CONTACT:**
Julie Rogan-Sutter
Phone: (941) 575-3350 Fax: 941-575-3340
Email: JRogan-Sutter@CityofPuntaGordaFL.com

**Solicitation Package Protest deadline** is **December 9, 2022** at 3:00 pm ET. Refer to General Conditions for instructions and conditions.

**Inquiries and Clarifications Requests Deadline** is December 20, 2022 at 3:00 pm ET. Refer to General Conditions for instructions and conditions.

**DUE DATE AND TIME FOR SUBMITTING A SUBMITTAL PACKAGE IS:**

**December 27, 2022 at 3:00 pm ET** or as may be amended by the subsequent issuance of addenda**.**

**IMPORTANT NOTICE TO BIDDERS:**
Bidders who obtain Solicitation Packages from sources other than www.pgorda.com must: 1) be a registered vendor at the above referenced website (registration is free); and 2) officially register receipt of the solicitation with the City's Procurement Division, at the website mentioned above, by viewing On-Line Solicitation. This will place the Bidder on the notification list for any forthcoming addenda or other official communications. Failure to register as a Bidder with the on-line solicitation may cause your Submittal Package to be rejected as non-responsive if you have submitted a Submittal Package without City issued forms and/or acknowledgment of issued addenda and/or meet the Solicitation Package requirements as provided by the City.

All questions must be submitted in writing via the Questions section of the on-line solicitation or emailed to the authorized City contact. Verbal questions will not be addressed.

Submittal packages in response to this Solicitation may be submitted in the following methods:
- Sealed in an envelope and delivered to one of the above addresses; or
- Submit an on-line response to the solicitation at www.pgorda.com; or
- Combination of both

Refer to the Submittal Package Format & Requirements section, in this document, for additional detailed instructions for submitting a response.

Submittal Packages received in response to this solicitation and received by the established due date and time specified will be publicly opened and read aloud in the City Hall Annex, Procurement Conference Room, 126 Harvey St, Punta Gorda, Florida at 3:00 pm ET, ***or soon thereafter***. The opening and reading shall be in the presence of the Purchasing Agent and a Procurement witness. Bidders and the general public are not required but invited to attend.

**SEALED SUBMITTAL PACKAGE LABEL – THIS MUST BE USED FOR ALL SEALED HARDCOPY SUBMITTAL PACKAGE ENVELOPES**

– – – –

# SOLICITATION PACKAGE
# TABLE OF CONTENTS


| SOLICITATION DOCUMENT SECTION | PAGE |
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| Notice of Availability | 1 |
| General and Special Conditions | 4 – 14 |
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| ATTACHMENTS AVAILABLE ON THE ON-LINE SOLICITATION RELATED TO THIS SOLICITATION PACKAGE | ATTACHMENT # |
|---|---|
| SOLICITATION DOCUMENT | F2022103D |

## WEBINAR EVENT INSTRUCTIONS

The City of Punta Gorda utilizes WebEx to broadcast webinar events for formal solicitation openings, NON-Mandatory Pre-Submittal Conferences, Evaluation and Selection Committee Meetings and Vendor Training Sessions. Public viewing is not allowed for MANDATORY Pre-Bid meetings as these meetings must be attended in person.

**Instructions:**

- Internet Website:
  - Solicitation Opening: https://puntagorda.webex.com/puntagorda/j.php?MTID=macbf3f827dbafe9f8bac411f0a8194d9
- Bidder may join the meeting by navigating to the above links, select the meeting and click join.
- Click on JOIN

Generally, the City will start the meeting 15 minutes prior to the scheduled time.

Audio – You may dial in through a phone number (May be a toll call) or listen to the meeting via your computer. Follow the Audio selections when you join the meeting.

In accordance with the **Americans with Disabilities Act and Florida Statute 286.26**, the location of meetings related to this solicitation is accessible to persons with disabilities. If you are a person with disability who needs any accommodation in order to participate in this meeting, you are entitled, at no cost to you, to the provision of certain assistance. Interpreters for the hearing impaired (TTY 941-575-5013) or non-English speaking citizens and any other special accommodations can be requested by contacting the Human Resources Manager/Non-Discrimination Coordinator whose address is 326 W. Marion Avenue, Punta Gorda, FL 33950, whose telephone number is (941) 575-3308, and whose email address is humres@CityofPuntaGordaFL.com, at least two (2) calendars days prior to the meeting.

# GENERAL CONDITIONS

**SUBMITTAL PACKAGES NOT SUBMITTED AS DIRECTED BY THIS SOLICITATION PACKAGE SHALL BE REJECTED.** The City reserves the right to 1) cancel a solicitation; and 2) accept and/or reject any or all Submittal Packages.

1) **AUTHORIZED CITY CONTACT -** The Authorized City Contact Person is defined this Solicitation Document Page 1 and is the **ONLY** authorized person for Bidders to contact through the award of an Agreement. **BIDDERS MUST READ THE CONDITION ASSIGNED TO CONTACT PROHIBITION.**

2) **CONTACT PROHIBITION -** All prospective Bidders are prohibited from indirectly or directly communicating with any member of the City of Punta Gorda City Council, City Manager, or City staff member other than the Authorized City Contact Person identified in this Solicitation, or their designated Procurement staff member, regarding this solicitation package, or their submittal package, City's Intent to Award, or City's Intent to Reject (if applicable) at any time prior to the **FORMAL AWARD** for this project. **FORMAL AWARD** is defined as the issuance of a NOTICE OF AWARD document or the issuance of a PURCHASE ORDER to the awarded bidder. Any such contact prior to the formal award will be cause for rejection of your submittal.

3) **PROHIBITION AGAINST GRATUITIES -** Bidder warrants that no gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by Bidder, or any agent or representative of Bidder, to any elected official, agent or employee of City with a view toward securing this Agreement or favorable treatment with respect to any determination concerning the performance of this Agreement. In the event of breach of this warranty, City shall be entitled to pursue the same remedies including, but not limited to, termination, against Bidder as it would pursue in the event of Bidder's default. The City of Punta Gorda officials and employees are prohibited by law from soliciting and accepting funds or gifts from any person who has, maintains, or seeks business relations with the City pursuant to the City of Punta Gorda's Procurement Policy, Ethics Section.

4) **CONFLICT OF INTEREST -** No employee of an agency acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the officer's or employee's own agency, if he or she is a state officer or employee, or to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator's place of business or when such offices are on property wholly or partially owned by the legislator. This subsection shall not affect or be construed to prohibit and Agreement entered into prior to October 1, 1975 (b) Qualification for elective office; (c) Appointment to public office; or (d) Beginning public employment.

5) **EXTENSION OF SOLICITATION DUE DATE AND TIME** — The City reserves the right to revise a solicitation's due date and time as may be deemed by the City to be in its best interest. Solicitation due date and time will be extended in all instances where an insufficient number of submittal packages are submitted prior to the set due date and time. Sealed solicitations will remain sealed until the final extension date and time occurs. Unsealed solicitation will remain undisclosed until the final extension date and time occurs.

6) **SUBMITTAL PACKAGES FROM RELATED PARTIES OR MULTIPLE SUBMITTAL PACKAGES RECEIVED FROM ONE BIDDER -** Where two (2) or more related parties each submit a submittal package or multiple submittal packages are received from one (1) bidder, for any solicitation, such submittal package(s) shall be judged non-responsive and rejected. Related parties mean bidders or the principles thereof, which have a direct or indirect ownership interest in another bidder for the same contract or in which a parent company or the principles thereof of one (1) bidder has a direct or indirect ownership interest in another bidder for the same contract.

7) **DEFINITIONS**

a) **ADDENDA -** The Solicitation Package shall include all Addenda issued prior to the established due date and time, which may include, but not be limited to, additional attachments and modifications to the solicitation package. All changes will be posted to the On-Line Solicitation and must be acknowledged by the Bidder if the addenda is deemed to be a material change.

b) **AGREEMENT -** shall mean the Solicitation Package, Submittal Package, Performance/Payment Bonds, Certificate(s) of Insurance, Corporate Resolution, and all other documentation relating to the resulting Agreement. The Agreement may be in standard form for signatures by both parties or a Purchase Order.

c) **BIDDER -** means one that submits a SUBMITTAL PACKAGE to this solicitation directly to City, as distinct from a sub-bidder or sub-offeror, who submits a bid to the Bidder or Offeror. The term "Successful Bidder" means the responsive and responsible Bidder or Offer to whom the City, based on the City's evaluation and determination, makes an award. With the context of this document the terms "Bidder", "Proposer", "Offeror", "Contractor", and "Consultant" are used interchangeably.

d) **BIDDER DUE DILIGENCE –** is defined as the Bidder's responsibility, prior to submitting a Submittal Package, that they have 1) examined the Solicitation Package thoroughly; 2) considered federal, and state laws, ordinances, rules, and regulations that may in any manner affect cost, progress, performance, or provision, of the commodities and/or services; 3) studied and carefully correlate Bidder's observations with the Solicitation Package. Bidder is responsible for notifying the City's Procurement Division of all conflicts, errors, and discrepancies in the Solicitation information in accordance with the General Conditions ADDENDA - INTERPRETATION OF BIDDING DOCUMENT.

e) **CITY** - refers to the City of Punta Gorda, a municipal corporation of the State of Florida. Terms used in this Solicitation are defined and have the meanings assigned to them.

f) **CITY FORMS -** shall be defined as forms required by the Bidder to complete and submit with their Submittal Package. The Solicitation Package shall provide the instructions for submitting City Forms. Forms shall include, but not be limited to, On-Line Solicitation, Bidder's Response Form and all City forms provided in the Solicitation Document and Attachments. Bidder submitting substitute forms will be deemed non-responsive and rejected.

g) **DUE DATE AND TIME –** is defined as the date and time Submittal Packages shall be submitted to the City. Bidders shall submit their complete Submittal Packages to the City, as defined in the Solicitation Package, prior to the established due date and time or their Submittal Package will be considered late and not considered.

h) **HARD COPY FORMAT –** is defined as paper documents in original form or as otherwise specified in the Solicitation Document, Submittal Package Format Requirements. If so directed, the Bidder may be required to print the on-line "BID DOCUMENT" from the on-line solicitation at www.pgorda.com, sign, complete as required and submit with their Submittal Package.

i) **MATERIAL DEFECT –** is defined as defects in a Bidder's Submittal Package that are material to the Solicitation Package. Material defects include, but are not limited to, 1) Failure to submit all Submittal Package components as identified as a material defect in the Solicitation Submittal Package Format and Requirements section prior to the Solicitation's established due date and time; 2) Failure to comply with the required format for submitting a Submittal Package or any Component of the Submittal Package; 3) Failure to provide requested data relating to a monetary value, specifications, identify proposed manufacturer/product and/or warranty; or 4) Failure to provide data related to timelines for services or delivery; or 5) Failure to meet all minimum qualification or specification requirements. Any submittal package with one (1) or more material defects shall be rejected in its entirety.

j) **ON-LINE SOLICITATION** – The On-Line Solicitation is Solicitation specific and located on the ON-LINE SOLICITATION SYSTEM at www.pgorda.com . The On-Line Solicitation contains all information and documents included in the Solicitation Package and the sole resource for obtaining Addenda and for submitting an On-line Response to the Solicitation Package.

k) **ON-LINE SOLICITATION SYSTEM** – The City's Internet ON-LINE SOLICITATION SYSTEM is identified as and located at www.pgorda.com. The ON-LINE SOLICITATION SYSTEM is utilized by the City and the Vendors to: 1) Allow vendors to register and manage their company records, 2) City posts and issues City Solicitation Packages for vendors from inception to award of an Agreement, 3) Allows vendors to submit an On-line Response to an On-Line Solicitation, and 4) Sole resource for vendor to view all public record documents related to an On-Line Solicitation.

l) **ON-LINE RESPONSE –** is defined as the Bidder responding to an On-Line Solicitation and shall include Bidder's response to On-Line Solicitation, inclusive of response attachments.

m) **PRE-SUBMITTAL MEETING/CONFERENCE** – is defined as a scheduled meetings to discuss the solicitation with interested Bidders.

n) **RESPONSIBLE BIDDER** – is a Bidder who is fully capable to meet all of the requirements of the Solicitation Package and subsequent Agreement. The Bidder must possess the full capability, including financial and technical, to perform as contractually required. The City reserves the right to reject any Submittal Package by a Bidder who has previously failed to perform properly or to complete on time, previous contracts with the City. Such a rejected Submittal Package shall preclude the bidder from being considered a responsible bidder. The person or company shall not be on the City's current de-barred or suspension list.

o) **RESPONSIVE BIDDER –** shall be defined as a Submittal Package submitted by a Bidder that conforms in all material elements to the Solicitation Package and does not contain a material defect.

p) **SOLICITATION -** means Invitation to Bid, Informal Quote, Formal Quote, Request for Proposal, Request for Qualification, or Invitation to Negotiation.

q) **SOLICITATION PACKAGE** – shall mean the Solicitation Document, On-Line Solicitation, attachments, all on-line information, addenda, and other related information and documents issued pertaining to the solicitation prior to the established due date and time. The Solicitation Package shall be used by the Bidder to prepare their Submittal Package.

r) **SUBMITTAL PACKAGE –** is defined as a Bidder's submittal to all Solicitation Package Requirements as stated in the Solicitation Document, Submittal Package Format and Requirements section. The Submittal Package requirements shall identify 1) components required for the Bidder to submit; 2) approved format for submission of components; 3) City's determination of time requirements for the submission of components; and 4) City's determination if Bidder fails to comply with Submittal Package requirements. All areas requiring a response must be completed by the Bidder, where and when requested, and in the format directed by the Solicitation Package.

**8) SOLICITATION PACKAGE - The Bidder must READ this Solicitation Document**. The Solicitation Package constitutes the complete set of documents, information, forms, terms and components. The Solicitation Package components are defined in this Solicitation Document. The Solicitation Package provided must be used in preparing your Submittal Package. The City does not assume any responsibility for errors or misinterpretations resulting from the Bidder's lack of use of provided Solicitation information. City, in making the Solicitation Package available does so only for the purpose of obtaining responses and does not confer a license or grant for any other use.

**9) ADDENDA – INTERPRETATION OF SOLICITATION PACKAGE -** If there is any doubt as to the true meaning of the contents of this Solicitation Package such inquiries, regarding items or areas of the Solicitation Package, must be directed in WRITTEN FORM to the Procurement Contact prior to the Deadline for Questions/Inquires date and time established in this document, or as may be amended by Addenda. Acceptable written form for inquires is posted to the on-line solicitation "Questions" tab or email, or hard copy. Inquiries shall reference the Solicitation (Bid) Number. Failure to comply with this condition shall result in the Bidder waiving his/her right to dispute the Solicitation Package, inclusive of addenda issued. Any change to this solicitation shall be made by a written addenda duly issued to each on-line registered Bidder. Receipt of such addenda shall be so noted within your Submittal Package. It is the responsibility of the Bidder, prior to submitting their Submittal Package, to either: 1) Visit www.pgorda.com to view the On-line solicitation for addenda; or 2) Contact the Procurement Division to determine if addenda have been issued.

**10) TAXES -** The City is exempt from the payment of Federal and State taxes, including sales tax. Prices shall not include sales tax to be collected from the City. The City's sales tax exemption is not available to you for items you purchase, regardless of whether these items will be transferred to the City.

The City of Punta Gorda, being Tax-Exempt from State of Florida Sales Tax, reserves the right to require Bidder to assign some or all of its or Sub-Contractor's bids and agreements with materials suppliers directly to the City. All transactions shall be in accordance with FL Statute 212.08(6) and FAC Rule 12A-1.094. The City will issue a Certificate of Entitlement to both the Contractor and Supplier for each purchase.

**11) APPLICABLE LAWS -** Bidders are advised all City Agreements and/or documentation pertinent to the Solicitation Package and Submittal Package are subject in full or in part to all legal requirements provided for in applicable City Ordinances, State Statutes, and Federal Regulations. Uniform Commercial Code, Chapters 671-679 et seq, Florida State Statutes shall prevail as the basis for contractual obligations between the Bidder and the City for any terms and conditions not specifically stated within the context of this Solicitation Package or resulting Agreement.

**12) BIDDER'S RESPONSIBILITIES**

a) **BIDDER'S DUE DILIGENCE** - **Bidders must make all surveys and investigations to familiarize themselves regarding the project site, service area, or commodity/service to be proposed. No plea of ignorance by the Bidder of conditions that exist as a result of failure to make inspections shall be acceptable.** Prior to submitting a response, each Bidder must (a) examine the Solicitation Package thoroughly; (b) consider federal, and state laws, ordinances, rules, and regulations that may in any manner affect cost, progress, performance, or provision, of the commodities and/or services; (c) study and carefully correlate Bidder's observations with the Solicitation Package. The Bidder is responsible for notifying the City's Procurement Contact of all conflicts, errors, and discrepancies in the Solicitation Package in written form, which email is acceptable format for delivery, and prior to the Deadline for Inquires established in the Solicitation Package. Failure to comply with this condition shall result in the Bidder waiving his/her right to dispute the Solicitation Package.

b) Bidders are solely responsible for verifying their Submittal Package meets all requirements of the Solicitation Package as stated in this Solicitation Document, Submittal Package Format and Requirements section. The City will not be held responsible for Bidder's failure to submit any Submittal

Package component incorrectly and/or as instructed in this Solicitation Document Submittal Package Format and Requirements section. Bidders are responsible for viewing their Online Response to this On-Line Solicitation to assure accuracy in the information and prices entered and submitted and completeness of their Submittal Package. No plea of ignorance will be accepted or considered by the City for the Bidder's failure to 1) verify the accuracy of their Online or Hardcopy Submittal Package; 2) verify acceptance of the Online or Hardcopy Submittal Package. The City will not be responsible for the Bidder's failure to submit a complete Submittal Package submitted in response to this Solicitation Package.

**13) CONDITIONS OF ACCEPTANCE OF SUBMITTAL PACKAGE -** No bid will be accepted from, nor will any Agreement be awarded to, any person, who is: 1) in arrears to the City, upon any debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to City; or 2) who is deemed non-responsive; or 3) who is deemed non-responsible or unreliable by the City. As a part of the Solicitation evaluation process, City may conduct a background investigation including a record check by the Punta Gorda Police Department. Bidder's submission of a Submittal Package constitutes acknowledgement of the process and consent to such investigation. City shall be the sole judge in determining Bidder's qualifications.

**14) SUBMITTAL PACKAGE**

a) All submittal components submitted shall be fully executed and submitted as directed in this Solicitation Document, Submittal Package Format Requirements section. SUBMITTAL PACKAGES NOT SUBMITTED AS DIRECTED BY THE SOLICITATION PACKAGE SHALL BE REJECTED.

b) BINDING OFFER - The submission of a Submittal Package to this Solicitation Package will constitute an incontrovertible representation by Bidder that Bidder has read, understands and is in compliance with every requirement of this Solicitation Package, that without exception the Submittal Package is premised upon performing the services and/or furnishing the commodities and materials and such means, methods, techniques, sequences or procedures as may be indicated in or required by the Solicitation Package and terms and conditions provided. The Bidder through their Submittal Package certifies the Solicitation Package provided is sufficient in scope and detail to indicate understanding of all requirements stated. Bidder's Submittal Package is submitted with full knowledge and understanding of the requirements and time constraints stated. IMPORTANT NOTE: WHEN SUBMITTING YOUR RESPONSE DO NOT ATTACH ANY FORMS WHICH MAY CONTAIN THE BIDDER'S TERMS AND CONDITIONS. INCLUSION OF ADDITIONAL TERMS AND CONDITIONS SHALL RESULT IN YOUR RESPONSE BEING DECLARED NON-RESPONSIVE AND REJECTED, AS THESE CHANGES WILL BE CONSIDERED A COUNTEROFFER TO THE CITY'S SOLICITATION.

c) BIDDER'S CERTIFICATION - Submitting a Submittal Package in response to this Solicitation Package, in addition to electronically accepting receipt of the Solicitation Package, certifies the Bidder's Authorized Agent has read, understands and accepts responsibility for the contents of this Solicitation Package and Bidder's Submittal Package and agrees to comply with all requirements prescribed in the Solicitation Package and as submitted in the Submittal Package.

d) TIMELY SUBMISSION - Responsibility for submitting a Submittal Package in response to this Solicitation Package to the City on or before the established due date and time is solely and strictly that of the Bidder. The City will not be responsible for any delay, for any reason whatsoever.

e) LATE SUBMITTAL PACKAGES - Submittal Packages received in hard copy format and/or On-line Responses attempted after the established due date and time shall not be considered and will not be opened. It will be the Bidder's responsibility to make arrangements for the return of the Submittal Package at their expense. The eProcurement system will not allow Bidders to submit an Online Response after the established due date and time.

f) ACCEPTING SUBMITTAL PACKAGE - The City Procurement Office shall review all Submittal Packages to certify responsiveness and that all material elements of the Solicitation Package have been met by the bidder. The City shall reject all Submittal Packages that have been deemed non-responsive. Materials elements are defined in the Special Conditions section of this Solicitation Document. For your Submittal Package to be accepted it shall be deemed responsive to all material elements of this Solicitation Package. All blank spaces must be completely annotated where and when requested.

**15) CITY'S RESERVED RIGHTS**

a) The City reserves the right to 1) waive formalities in any solicitation, 2) reject any or all responses in whole or in part with or without cause; 3) reject any submittal package having the appearance of **unbalanced bidding in unit prices**; and/or 4) accept the bid that, in its judgment, will be in the best interest of the City. The City specifically reserves the right to reject any conditional response and will normally reject those, which make it impossible to determine the true amount of the response.

b) The City reserves the right to split award as may be determined to be in the best interest of the City. This is not applicable to lump sum or "all or none" solicitations.

c) The City reserves the right to compare prices of all submittal packages with contracts established by other entities or national cooperatives, which may result in the rejection of all submittal packages or make award based on this solicitation package whichever is deemed to be in the best interest of the City.

**16) SUBMITTAL PACKAGE WITHDRAWAL -** All Submittal Packages received as a result of this Solicitation will remain open for a period of at least ninety (90) days after the established due date and time for submitting responses. No Bidder may withdraw their response after the Solicitation is opened. The City may, in their sole discretion, release any response prior to that date.

**17) MISTAKES IN SUBMITTAL PACKAGE**

a) Correction of mistakes or withdrawal of a submittal package after the established due date and time will not be allowed.

b) All corrections, which are prior to the established due date and time, to hard copy submittal packages must be initialed by the bidder. Failure to initial may cause the submittal package to be rejected in its entirety.

c) MISTAKES WHERE INTENDED CORRECT BID IS NOT EVIDENT. If within twenty four (24) hours after submittal packages are opened, any bidder files a duly signed written notice with the City, through the office of the Procurement Manager, and within five (5) calendar days thereafter demonstrates to the satisfaction of the City, by clear and convincing evidence, that there was a material and substantial clerical mistake in the preparation of the submittal package or that the mistake is clearly evident in the solicitation package but the intended correct submittal package is not similarly evident, then the Procurement Manager will reject their submittal package response. Thereafter, the bidder will be disqualified from further bidding on the subject solicitation.

d) MISTAKES WHERE INTENDED CORRECT RESPONSE IS EVIDENT. If the mistake and the intended correct bid are clearly evident in the submittal package, the response shall be corrected to the intended correct response. Examples of mistakes that may be clearly evident in the submittal package are errors in extension of unit prices and arithmetic errors. **Mistakes in unit prices shall not be corrected**.

e) Unit prices shall prevail in the event of an error in the Bidder's submittal package.

f) MINOR INFORMALITIES. Minor informalities are matters of form rather than material substance from the solicitation, or non-material mistakes that can be waived or corrected without prejudice to other bidders.

i) Material substance is defined as any portion of a bidder's response that materially affects the submittal package, which includes but is not limited to, the effect on price, quantity, quality, manufacturer, product, delivery, specifications, or contractual conditions and shall not be considered a minor informality.

**18) BID SCHEDULE/LINE ITEMS/SCHEDULE OF VALUES -** Submission of a Submittal package certifies that the Bidder submitted Line Items generated from the forms provided by the City. If any errors have been made by the Bidder in preparing the bid schedule, the Bidder hereby consents that such errors will be applied by the City in the manner most beneficial to the City. **Bidders adding line items to the bid schedule shall be deemed non-responsive and rejected**.

**19) PROPRIETARY INFORMATION -** In accordance with Chapter 119 of the Florida Statutes (Public Records Law), and except as may be provided by other applicable State and Federal Law, all bidders must be aware the bidder's submittal packages are in the public domain. However, the bidders are required to **identify specifically** any information contained in their submittal package, which they consider confidential and/or proprietary and which they believe to be exempt from disclosure based on the statute, **and specifically cite the applicable exempting law**.

All submittal packages received from bidders in response to this solicitation will become the property of the City and will not be returned to the bidder. In the event of contract award, all documentation produced as part of the contract will become the exclusive property of the City.

**20) DEVELOPMENT COSTS –** Neither the City nor its representatives(s) shall be liable for any expenses incurred in connection with the preparation of a submittal package in response to this solicitation.

**21) WARRANTIES**

a) Awarded Bidder warrants to City that the consummation of the work provided for in the Agreement or Purchase Order documents will not result in the breach of any term or provision of, or constitute a default under any indenture, mortgage, contract, or agreement to which Awarded Bidder is a party.

b) Awarded Bidder warrants to City that it is not insolvent, it is not in bankruptcy proceedings or receivership, nor is it engaged in or threatened with any litigation, arbitration or other legal or administrative proceedings or investigations of any kind which would have an adverse effect on its ability to perform its obligations under the Agreement.

c) Awarded Bidder warrants to City that it will comply with all applicable federal, state and local laws, regulations and orders in carrying out its obligations under the Contract.

d) All warranties made by Awarded Bidder together with service warranties and guarantees shall run to City and the successors and assigns of City.

**22) CONTINGENT FEES PROHIBITED** - The bidder must warrant that it has not employed or retained a company or person, other than a bona fide employee, contractor or subcontractor, working in its employ, to solicit or secure a contract with the City, and that it has not paid or agreed to pay any person, company, corporation, individual or firm other than a bona fide employee, contractor or sub-contractor, working in its employ, any fee, commission, percentage, gift or other consideration contingent upon or resulting from the award or making of a contract with the City.

**23) PROHIBITION AGAINST LOBBYING** - During the solicitation period and through the formal award of any quote, bid or proposal, any firm and its agents, officers or employees who intend to submit, or who have submitted, quotes, bids or proposals must not lobby, either individually or collectively, any City Council members, candidates for City Council or any employee of the City. Contact must only be made through regularly scheduled Council meetings, or meetings scheduled through the Procurement Division for purposes of obtaining additional or clarifying information. Any action, including meals, invitations, gifts or gratuities by a submitting firm, its officers, agents, or employees must be within the purview of this prohibition and shall result in the immediate disqualification of that Bidder from further consideration.

**24) PUBLIC ENTITY CRIMES** - In accordance with Florida Statutes §287.132(2)(a): A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or contractor under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Florida Statutes §287.017 for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list. The Bidder submitting a Submittal Package for this solicitation hereby certifies they have not been convicted of a public crime nor placed on any convicted vendor list.

**25) SOLICITATION PACKAGE PROTESTS**

a) WRITTEN NOTICE OF PROTEST. Any person or Bidder who is adversely affected by the City's Solicitation Package's contents must file a written notice of protest with the Procurement Manager within 72 hours after the posting and release of the Solicitation Package by the City. Saturdays, Sundays, and City holidays are be excluded in the computation of the 72-hour time periods provided by this paragraph.

b) FORMAL WRITTEN PROTEST. The formal written protest must be filed within 5 business days after the date the notice of protest is filed. The formal written protest must state with particularity the facts and laws upon which the protest is based.

c) WAIVER OF RIGHTS. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of the vendor's rights to protest the Solicitation Package.

**26) QUESTIONS AND CLARIFICATION PERIOD**

a) Bidders must address all questions and request clarification to a Solicitation Package to the Purchasing Agent. Questions must be submitted via email, or hard copy and must be received by the question and clarification deadline stated on page 1 in the Solicitation Document. All answers to questions submitted shall be published and answered in a manner for all vendors will be able to view.

b) WAIVER OF RIGHTS. Failure to post a question or request for clarification by the established date and time shall constitute a waiver of the Bidder's rights to protest the Solicitation Package, inclusive of addenda.

**27) SOLICITATION PROTEST POLICY** – This policy is available on-line in the City's Procurement Policy at http://www.ci.punta-gorda.fl.us/government/procurement/doing-business-with-the-city.

**28) VERIFICATION OF EMPLOYMENT STATUS –** Pursuant to Florida Statues 448.095, the contractor shall utilize the U.S. Department of Homeland Security E-Verify system to verify the employment eligibility of all new employees during the term of this contract. Contractors must include in subcontracts the requirement that subcontractors performing work or providing services utilize the E-Verify system to verify the eligibility of all new employees hired by the subcontractor during the contract term. For information please refer to the E-Verify website at: https://www.e-verify.gov/.

# SPECIAL CONDITIONS

**1) SPECIAL CONDITIONS**

**The following SPECIAL CONDITIONS, that may vary from the General Conditions, shall have precedence.**

**2) FEDERAL CONTRACT PROVISIONS** Contractor agrees to recognize and comply with all applicable standards, orders or regulations issued pursuant to Appendix II of 2 CFR Part 200. Standards, orders or regulations that are not applicable to the scope of work will not be required of the Contractor.

**APPENDIX II TO PART 200—CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS UNDER FEDERAL AWARDS**

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

a) Contracts for more than the simplified acquisition threshold currently set at $250,000 which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

b) SETTLEMENT OF DISPUTES

i) Any dispute concerning a question of fact arising under this Agreement that is not resolved by the Agreement shall be decided by the CONTRACT MANAGER, who may consider any written or verbal evidence submitted by the awarded Bidder. The decision of the CONTRACT MANAGER, issued in writing, shall be the final decision of the City.

ii) Neither the pendency of a dispute nor its consideration by the CONTRACT MANAGER will excuse the VENDOR from full and timely performance in accordance with the terms of this Agreement.

c) CANCELLATION OF CONTRACT

i) CANCELLATION CLAUSE: This Agreement may be terminated by City or the awarded Bidder should awarded Bidder or City fail to provide in any substantial manner the services and/or commodities required under this Agreement, or otherwise fails to comply with the terms of this Agreement or the Agreement Documents, or violates any ordinance, regulation or other law which applies to its performance under this Agreement. The City or the awarded Bidder may terminate this Agreement under this subparagraph by giving five (5) calendar days written notice. The City, at its option, may give awarded Bidder a reasonable period of time to cure the noncompliance.

ii) The City may terminate this Agreement for any reason and without cause by giving thirty (30) calendar days written notice to awarded Bidder. Upon such termination, awarded Bidder will be compensated for the value of the services performed and/or commodities delivered to the date of termination.

iii) The CITY will provide to the awarded Bidder written notification stating the nature of non-conformance and/or failure to perform to the contract's terms and conditions. All areas cited for non-conformance and/or failure to comply with the contract must be remedied by the awarded Bidder within a ten (10) calendar day period. If not remedied within the stated timeframe, the CITY shall find the Bidder in default of the contract and invoke the cancellation clause without additional time to cure the non-conformance and/or failure to comply. The defaulting Bidder shall be removed from the City's supplier/contractor list.

iv) Delays and Excused Performance/Force Majeure. awarded Bidder shall not be considered in default by reason of failure, which arises out of causes reasonably beyond the awarded Bidder's control, and without its fault or negligence. Such causes may include, however, not limited to: Acts of God, the City's omissive and commissive failures, natural or public health emergencies, labor disputes, freight embargos.

d) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.". (All construction contracts awarded in excess of $10,000 by grantees and their contractors or subgrantees)

e) Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR part 3). (All contracts and subgrants for construction or repair)

f) Davis-Bacon Act, as amended (40 U.S.C. 3141-3144, and 3146-3148). When required by Federal program legislation, all prime construction contracts in excess of $2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5 "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

g) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be

required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

h) Reporting. Vendor shall allow access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

i) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

j) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding $100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

k) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement", the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

l) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of $150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

m) Procurement of recovered materials §200.322. A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired by the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

n) § 200.322 Domestic preferences for procurements.
(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.
(b) For purposes of this section:
(1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
(2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

o) § 200.216 Prohibition on certain telecommunications and video surveillance services or equipment.

(a) Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

(1) Procure or obtain;

(2) Extend or renew a contract to procure or obtain; or

(3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under Public Law 115-232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(c) See Public Law 115-232, section 889 for additional information.

(d) See also § 200.471.

p) Minority Businesses and Women's Businesses. As required by CFR Title 2, §200.321 (b)(6), Contractor must take the following affirmative steps in the hiring of any subcontractors:

FDEP Participation Goals:
MBE – 9%
WBE – 3%

i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's enterprises; and

v) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

**3) TERM CONTRACT**

a) The City desires to award an Agreement with an initial period of one (1) year. City and Contractor may mutually agree in writing to extend this Agreement for a one (1) year renewal period at the same process, terms and conditions.

**4) PUBLIC RECORDS APPLICABLE TO THE SOLICITATION PROCESS**

FSS 119.071(1)(b) General exemptions from inspection or copying public records. Sealed bids or proposals received by an agency pursuant to invitations to bid or requests for proposals are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of a decision or intended decision pursuant to s. 120.57(3)(a) or within 30 days after opening, whichever is earlier. If an agency rejects all bids or proposals submitted in response to an invitation to bid or request for proposals and the agency concurrently provides notice of its intent to reissue the invitation to bid or request for proposals, the rejected bids or proposals remain exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of a decision or intended decision pursuant to s. 120.57(3)(a) concerning the reissued invitation to bid or request for proposals or until the agency withdraws the reissued invitation to bid or request for proposals. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2011, unless reviewed and saved from repeal through reenactment by the Legislature. The City shall disclose information in accordance with the applicable public records law.

**Please do not include a financial statement for your company UNLESS the Solicitation Document specifically names this document as a required submittal package component.**

**5) PUBLIC RECORDS**

All governmental contracts and agreements are required to be maintained for a period of five (5) years after the expiration of the contract or agreement. Therefore the CONTRACTOR shall be required to retain all records relating to the resulting contracts for the same period of time after expiration this Agreement. The CITY reserves the right to audit the CONTRACTOR's records throughout the term of the Agreement and records retention period.

**6) AGREEMENT TERM**

This Agreement shall be for a one (1) year period, which shall commence upon the award of this Agreement. The CITY retains the right to renew this initial Agreement under the same terms and conditions upon mutual agreement with the Bidder. Agreement for commodities or contractual services may be renewed for a period that may not exceed 3 years, or the term of the original contract, whichever period is longer. Renewal of this Agreement for commodities or contractual services shall be in writing and shall be subject to the same terms and conditions set forth in the initial contract. A renewal of this Agreement may not include any compensation for costs associated with the renewal. Renewals shall be contingent upon satisfactory performance evaluations by the agency and subject to the availability of funds.

The CITY reserves the right to discontinue this Agreement in any year of a renewal period if it is deemed to be in the best interest of the CITY.

**7) PRICING**

a) **UNIT PRICE AGREEMENT** - Unit prices proposed shall prevail based on actual quantities or services ordered. All prices proposed shall include all cost for material, equipment, supervision, administration, labor, parts, materials, shipping, delivery and any other cost required to satisfy this contract. Unless otherwise specified herein, the unit prices herein do not include sales or use tax. Bidders shall bid in accordance with the Line Item Bid Schedule unless the solicitation allows for ALTERNATES. Bidders adding line items to the City Line Item Bid Schedule shall be rejected. Discrepancies in Line Item Bid Schedule shall be brought to Procurement's attention in accordance the General Conditions, section ADDENDA - INTERPRETATION OF SOLICITATION PACKAGE. Unit prices shall prevail in the event of an error in the Bidder's prices. Bidders are **strongly encouraged to review and verify their prices bid.**

The City reserves the right to conduct a cost analysis with one or all bidders to determine the prices proposed are fair and reasonable or if only one (1) bid response is received. The Bidder will be required to provide documentation in order to validate their costs included in their prices proposed.

i) Delivered prices: Agreement prices are FREIGHT PREPAID AND ALLOWED/ FOB: DESTINATION: 3130 Cooper Street, Punta Gorda, FL 33950. Agreement prices shall be net of all freight, handling, delivery, surcharges, or any other incidental charges that may be required for the completion of the contract.

ii) FIXED PRICE TERM: CONTRACTOR agrees to supply the CITY the items and/or services listed at firm delivered prices a one (1) year period.

(1) The CITY reserves the right to negotiate this Agreement if the prices exceed the current marketplace.

b) The City reserves to negotiate pricing with the vendor deemed to be the lowest, responsive and responsible bidder.

**8) CONTRACT CHANGE**

a) All requests for changes to the resulting Agreement shall be made in writing and are subject to written acceptance by the appropriate level of City authority.

b) The following are the Change Order Authority Levels for the CITY.

i) Procurement Manager - the Procurement Manager may approve change orders in a singularly or cumulatively amount that does not exceed 25% of the total Agreement price with a maximum cap of fifty thousand dollars ($50,000.00) with the exception of contracts requiring City Council's approval for an award. The Procurement Manager may authorize contract time extension in excess of five (5) days and non-monetary changes, which are not considered minor, which do not result in a change in the Agreement amount.

ii) City Manager - the City Manager may approve all change orders with the exception of contracts that require the City Council's approval.

iii) City Council - the City Council shall approve change orders for Agreement exemption that are reserved for City Council approval (i.e. Franchises, inter-local agreements, land, legal, auditing, actuarial services and medical director).

c) The CONTRACTOR fully understands the CITY's Change Order Policy. In the event the CONTRACTOR begins work on unauthorized changes in scope prior to receiving a signed Change Order by the CITY's appropriate level of authority, they do so at their own expense and risk not being compensated by the CITY for performing unauthorized work.

**9) GOODS/EQUIPMENT**

a) SAMPLES - Upon request by the City, Bidders shall furnish samples of commodities proposed at no expense to the City. Unused samples shall be picked up from the City within fifteen (15) City business days from receipt of notice at no charge to the City.

b) QUALITY CONTROL - Bidder shall initiate thorough quality control in conjunction with each respective item(s) listed within the specification section of the solicitation and any other applicable instructions before actual delivery of the item or equipment to the City, as requested by the City.

c) QUALITY TERMS - Within a reasonable time after receipt by the City of products, parts, components and assemblies they shall be inspected and tested for function and operation by the City. The Bidder agrees to replace the item or to replace any malfunctioning parts, components, or assemblies at no charge to the City during this period. The right to reject nonconforming goods is retained by the City for both latent and patent defects.

**10) WARRANTIES**

a) Merchantability Warranty. The goods or items furnished shall be of a merchantability quality. They also shall be suitable for the particular purpose as referenced in the solicitation document and in all supporting literature relating to the goods or items being purchased.

b) SPECIFICATION WARRANTY - The Bidder warrants that all services will be in full accordance with the specifications and requirements of this solicitation, terms and conditions.

**11) EQUAL EMPLOYMENT OPPORTUNITY:** City of Punta Gorda, Florida, in accordance with the provisions of Title VI of The Civil Rights Act of 1964 (78 Stat. 252) and the Regulations of the Department of Commerce (15 CFR, Part 8) issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this advertisement and will not be discriminated against on the grounds of race, color or national origin in consideration for an award. All bidders are hereby notified that the successful bidder (Contractor) must and shall comply with the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, the Americans with Disabilities Act and the Florida Civil Rights Act, all as amended. Specifically, Contractor agrees that:

a) No person shall, on the grounds of race, color, sex, religion, age, disability, national origin or marital status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program, activity or service funded through the contract.

b) Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, disability, national origin or marital status. Contractor agrees to post in a conspicuous place, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

c) Contractor will, in all solicitations or advertisements regarding program activities, services provided or applications for employment, state that all qualified applicants will receive consideration for services or employment without regard to race, color, religion, sex, age, disability, national origin or marital status.

d) City may require Contractor to submit reports as may be necessary to indicate non-discrimination. City officials will be permitted access to Contractor's books, records, accounts and other sources of information and its facilities as may be pertinent to ascertain compliance with non-discrimination laws.

It is expressly understood that City shall have the right to terminate the Agreement upon receipt of evidence of discrimination.

**12) AWARD OF SOLICITATION -** Award shall be let to the lowest responsive and responsible Bidder who fulfills all requirements, criteria of specifications with consideration to favorable references and whose evaluation by City indicates that the award will be in the best interest of the City. Bidders are responsible for total compliance with all other pertinent factors relating to the solicitation information.

**13) CANCELLATION OF CONTRACT**

a) CANCELLATION CLAUSE: This Agreement may be terminated by CITY or the awarded Bidder should awarded Bidder or CITY fail to provide in any substantial manner the services and/or commodities required under this Agreement, or otherwise fails to comply with the terms of this Agreement or the Agreement Documents, or violates any ordinance, regulation or other law which applies to its performance under this Agreement. The CITY or the awarded Bidder may terminate this Agreement under this subparagraph by giving five (5) calendar days written notice. The CITY, at its option, may give awarded Bidder a reasonable period of time to cure the noncompliance.

b) The CITY may terminate this Agreement for any reason and without cause by giving thirty (30) calendar days written notice to awarded Bidder. Upon such termination, awarded Bidder will be compensated for the value of the services performed and/or commodities delivered to the date of termination.

c) DEFAULT: The CITY will provide to the awarded Bidder written notification stating the nature of non-conformance and/or failure to perform to the contract's terms and conditions. All areas cited for non-conformance and/or failure to comply with the contract must be remedied by the awarded Bidder within a ten (10) calendar day period. If not remedied within the stated timeframe, the CITY shall find the Bidder in default of the contract and invoke the cancellation clause without additional time to cure the non-conformance and/or failure to comply. The defaulting Bidder shall be removed from the City's supplier/contractor list.

d) Delays and Excused Performance/Force Majeure. awarded Bidder shall not be considered in default by reason of failure, which arises out of causes reasonably beyond the VENDOR's control, and without its fault or negligence. Such causes may include, however, not limited to: Acts of God, the City's omissive and commissive failures, natural or public health emergencies, labor disputes, freight embargos.

**14) AUDIT -** CITY'S RIGHT TO AUDIT. The CITY reserves the right to audit the CONTRACTOR's records throughout the term of the Agreement and in accordance with Public Records requirement established for the retention period.

**15) AUDIT DISALLOWANCES -** If at any time the CITY determines that a cost for which payment has been made is a disallowed cost, such as overpayment, CITY shall notify the CONTRACTOR in writing of the disallowance. CITY shall also state the means of correction, which may be but shall not be limited to adjustment of any future claim submitted by the CONTRACTOR by the amount of the disallowance, or to require repayment of the disallowed amount by the CONTRACTOR.

**16) PAYMENT TERMS –** Payment shall be made in accordance with Florida Statute Chapter 218 – Local government Prompt Payment Act.

a) Exclusions to the above terms will be:

i) for awarded vendors accepting credit card payment. Payment shall be made by credit card upon the City's receipt, acceptance and inspection of goods/services or construction; or

ii) for awarded vendors offering an early pay discount, if the City is unable to process payment to meet the early pay discount the invoice will be paid net 25 or 30 depending on the contract type.

b) Payment terms offering a discount if paid within 30 calendar days will be considered in the evaluation.

**17) INVOICES** - Invoices shall state the Purchase Order number. and must provide the description of service/commodities, identifying information for commodities/equipment as applicable, show units, unit prices and extended prices. Invoices will not be paid unless and until the requirements have been fully met. All invoices must be either emailed to ap@cityofpuntagordafl.com or be mailed or provided to the address stated in te Purchase Order.

**18) INSURANCE REQUIREMENTS**

The CONTRACTOR, before commencing any work, shall provide insurance and furnish the City with a Certificate of Insurance for themselves and all subcontractors as follows:

- The City is to be specifically included as an additional insured (with regards to General Liability). ENDORSEMENT DOCUMENTATION SHALL BE PROVIDED.
- A CITY Division, Department or individual name shall NOT appear on the Certificate.
- The City shall be named as Certificate Holder. Please note that the Certificate Holder should read as follows:

City of Punta Gorda
326 W. Marion Avenue
Punta Gorda, Florida 33950

NO OTHER FORMAT WILL BE ACCEPTABLE.

- GENERALLY Required Coverage INCLUDES:
    - Commercial General Liability - Not less than $500,000 per occurrence; combined single limit for bodily injury liability and property damage liability. This shall include the following endorsements: premises and/or operations, independent contractors and products and/or completed operations, broad form property damage
    - Business Auto Policy - Not less than $500,000 Per Occurrence; Combined Single Limit for Bodily Injury Liability and Property Damage Liability. This shall include Owned Vehicles, Hired and Non-Owned Vehicles, and Employees Non-Ownership.
    - Workers Compensation – Insurance covering all employees meeting Statutory Limits in compliance with the applicable state and federal laws. The coverage must include Employers' Liability with a minimum of $100,000.00 for each accident.
        - Workers Compensation Exemption Granted by the State of Florida Construction and Non-Construction –CONTRACTOR meeting the State's requirements for Construction or Non-Construction (Non-Construction for Corporations and LLC) exemption must hold a current Exemption Certificate issued by the State of Florida for the term of this Agreement.

Should any of the policies be cancelled before the expiration thereof, notice will be delivered in accordance with the policy provisions. CONTRACTOR shall provide notice to CITY at any time CONTRACTOR becomes aware of any cancellation or material change in the above insurance policies.

**19) MISCELLANEOUS REQUIREMENTS/CONTRACTOR REPRESENTATIONS**

**The below terms will apply to the awarded Contractor:**

a) CONTRACTOR has familiarized himself with the nature and extent of the Solicitation Documents, Work, Locality, and with all local conditions and federal, state and local laws, ordinances, rules and regulations that in any manner may affect cost, progress or performance of the Work.

b) CONTRACTOR shall comply with all Federal, State and Local rules, policies and ordinance in the performance of their work and document management.

c) CONTRACTOR has given CONTRACT ADMINISTRATOR written notice of all conflicts, errors or discrepancies that he has discovered in the Solicitation Documents and the written resolution thereof by CONTRACT ADMINISTRATOR is acceptable to CONTRACTOR.

d) SUBCONTRACTORS:

i) CONTRACTOR shall be fully responsible for the actions of their Subcontractors. Therefore, should a Subcontractor perform work outside of the awarded scope of work they do so at the CONTRACTOR's expense and risk not being compensated by the City for performing unauthorized work.

ii) The CITY reserves the right to accept the use of a subcontractor or to reject the selection of a particular subcontractor and to inspect all facilities of any subcontractor in addition to checking of prior performance of like or similar work as delineated in part or whole as pertinent to this contract.

iii) CONTRACTOR shall be required to notify the CONTRACT MANAGER of all intended changes to the subcontractor list. CONTRACT MANAGER shall issue written notice to the CONTRACTOR indicating the acceptance or rejection of the intended subcontractor change.

iv) FEDERAL GRANTS System for Award Management Maintenance FAR 52.204-13 – CONTRACTOR'S requirement for maintaining a Unique Entity Identifier, EFT indicator (if applicable) and CAGE Code:

v) Definitions. As used in this clause—

vi) Electronic Funds Transfer (EFT) indicator means a four-character suffix to the unique entity identifier. The suffix is assigned at the discretion of the commercial, nonprofit, or Government entity to establish additional System for Award Management (SAM) records for identifying alternative EFT accounts (see subpart 32.11) for the same entity.

vii) Registered in the System for Award Management (SAM) means that–

viii) The Contractor has entered all mandatory information, including the unique entity identifier and the EFT indicator (if applicable), the Commercial and Government Entity (CAGE) code, as well as data required by the Federal Funding Accountability and Transparency Act of 2006 (see subpart 4.14), into SAM;

ix) The Contractor has completed the Core, Assertions, Representations and Certifications, and Points of Contact sections of the registration in SAM;

x) The Government has validated all mandatory data fields, to include validation of the Taxpayer Identification Number (TIN) with the Internal Revenue Service (IRS). The Contractor will be required to provide consent for TIN validation to the Government as a part of the SAM registration process; and

xi) The Government has marked the record "Active".

xii) System for Award Management (SAM) means the primary Government repository for prospective Federal awardee and Federal awardee information and the centralized Government system for certain contracting, grants, and other assistance-related processes. It includes–

xiii) Data collected from prospective Federal awardees required for the conduct of business with the Government;

xiv) Prospective contractor-submitted annual representations and certifications in accordance with FAR subpart 4.12; and

xv) Identification of those parties excluded from receiving Federal contracts, certain subcontracts, and certain types of Federal financial and non-financial assistance and benefits.

xvi) Unique entity identifier means a number or other identifier used to identify a specific commercial, nonprofit, or Government entity. See www.sam.gov for the designated entity for establishing unique entity identifiers.

xvii) If the solicitation for this contract contained the provision 52.204-7 with its Alternate I, and the Contractor was unable to register prior to award, the Contractor shall be registered in SAM within 30 days after award or before three days prior to submission of the first invoice, whichever occurs first.

xviii) The Contractor shall maintain registration in SAM during contract performance and through final payment of any contract, basic agreement, basic ordering agreement, or blanket purchasing agreement. The Contractor is responsible for the currency, accuracy and completeness of the data within SAM, and for any liability resulting from the Government's reliance on inaccurate or incomplete data. To remain registered in SAM after the initial registration, the Contractor is required to review and update on an annual basis, from the date of initial registration or subsequent updates, its information in SAM to ensure it is current, accurate and complete. Updating information in SAM does not alter the terms and conditions of this contract and is not a substitute for a properly executed contractual document.

xix) (1) (i) If a Contractor has legally changed its business name or "doing business as" name (whichever is shown on the contract), or has transferred the assets used in performing the contract, but has not completed the necessary requirements regarding novation and change-of-name agreements in subpart 42.12, the Contractor shall provide the responsible Contracting Officer a minimum of one business day's written notification of its intention to—

xx) Change the name in SAM;

xxi) Comply with the requirements of subpart 42.12 of the FAR; and

xxii) Agree in writing to the timeline and procedures specified by the responsible Contracting Officer. The Contractor shall provide with the notification sufficient documentation to support the legally changed name.

xxiii) If the Contractor fails to comply with the requirements of paragraph (d)(1)(i) of this clause, or fails to perform the agreement at paragraph (d)(1)(i)(C) of this clause, and, in the absence of a properly executed novation or change-of-name agreement, the SAM information that shows the Contractor to be other than the Contractor indicated in the contract will be considered to be incorrect information within the meaning of the "Suspension of Payment" paragraph of the electronic funds transfer (EFT) clause of this contract.

xxiv) The Contractor shall not change the name or address for EFT payments or manual payments, as appropriate, in SAM record to reflect an assignee for the purpose of assignment of claims (see FAR subpart 32.8, Assignment of Claims). Assignees shall be separately registered in the SAM. Information provided to the Contractor's SAM record that indicates payments, including those made by EFT, to an ultimate recipient other than that Contractor will be considered to be incorrect information within the meaning of the "Suspension of Payment" paragraph of the EFT clause of this contract.

xxv) The Contractor shall ensure that the unique entity identifier is maintained with the entity designated at www.sam.gov for establishment of the unique entity identifier throughout the life of the contract. The Contractor shall communicate any change to the unique entity identifier to the Contracting Officer within 30 days after the change, so an appropriate modification can be issued to update the data on the contract. A change in the unique entity identifier does not necessarily require a novation be accomplished.

xxvi) (e) Contractors may obtain additional information on registration and annual confirmation requirements at https://ww.sam.gov.

e) Substitutions. In the event the CONTRACTOR, due to manufacturer or supplier discontinuing specified parts, is unable to secure sufficient supplies to fulfill all orders, the CONTRACTOR will be allowed to substitute an item of equal or better quality provided:

i) The product is sold at the Agreement price;

ii) The CITY is contacted in writing in advance of the substitution;

iii) The City retains the right to determine "equal or better quality"; and

iv) The CITY gives written approval of substitution.

If the Bidder is unable to fulfill all obligations in accordance with these terms and conditions, the City may acquire the product in the open marketplace with any cost increase being the responsibility of the Bidder.

f) INDEPENDENT CONTRACTOR. CONTRACTOR shall perform the services under this Agreement as an independent contractor and not as an employee, or, unless otherwise specifically stated herein, as an agent of the CITY.

g) INDEPENDENT CONTRACTOR. CONSULTANT shall perform the services under this Agreement as an independent contractor and not as an employee, or, unless otherwise specifically stated herein, as an agent of the CITY.

ASSIGNMENT. No assignment by a party hereto of any rights under or interests in the Agreement Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitations, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Agreement Documents.

# SPECIFICATIONS AND REQUIREMENTS
# MARINE GRADE CONCRETE
# SOLICITATION F2022103/MAT-CONCRETE/EOC/2223

## 1) OBJECTIVE

a) The purpose of this solicitation is to establish a contract for specific services and/or goods for use in the City's emergency operation preparation and/or recovery.

b) The timeline for responding to this solicitation is decreased due to the urgency to obtain a contractor for furnishing the services and/or goods.

c) SCOPE: Contractor to furnish and deliver Marine Grade 5500 Ready Mix and Euco-Bar Surface Retardant to the Public Works Yard, 3130 Cooper Street, Punta Gorda, FL 33950

i) Maximum Water to Cement ration of 0.45 with either: Type 1 Cement pls and Industry Approved pazzolan, or Type II Cement.

ii) All proposed products shall conform to the Florida Department of Transportation's, Standard Specifications for Road and Bridge, latest edition.

iii) Contractor must submit a design mix and/or product information detail sheet for City approval prior to suppling any materials.

## 2) FEDERAL REGISTRATION REQUIREMENTS

a) The awarded contractor will be required to obtain and maintain a current Unique Entity Identifier, Electronic Funds Transfer (EFT) (if applicable) and CAGE code registration for the life of this Agreement.

Registered in the System for Award Management (SAM) means that–

(1) The Contractor has entered all mandatory information, including the unique entity identifier and the EFT indicator (if applicable), the Commercial and Government Entity (CAGE) code, as well as data required by the Federal Funding Accountability and Transparency Act of 2006 (see subpart 4.14), into SAM;

(2) The Contractor has completed the Core, Assertions, Representations and Certifications, and Points of Contact sections of the registration in SAM;

(3) The Government has validated all mandatory data fields, to include validation of the Taxpayer Identification Number (TIN) with the Internal Revenue Service (IRS). The Contractor will be required to provide consent for TIN validation to the Government as a part of the SAM registration process; and

(4) The Government has marked the record "Active".

System for Award Management (SAM) means the primary Government repository for prospective Federal awardee and Federal awardee information and the centralized Government system for certain contracting, grants, and other assistance-related processes. It includes–

(1) Data collected from prospective Federal awardees required for the conduct of business with the Government;

(2) Prospective contractor-submitted annual representations and certifications in accordance with FAR subpart 4.12; and

(3) Identification of those parties excluded from receiving Federal contracts, certain subcontracts, and certain types of Federal financial and non-financial assistance and benefits.

Unique entity identifier means a number or other identifier used to identify a specific commercial, nonprofit, or Government entity. See www.sam.gov for the designated entity for establishing unique entity identifiers.

b) If the solicitation for this contract contained the provision 52.204-7 with its Alternate I, and the Contractor was unable to register prior to award, the Contractor shall be registered in SAM within 30 days after award or before three days prior to submission of the first invoice, whichever occurs first.

c) The Contractor shall maintain registration in SAM during contract performance and through final payment of any contract, basic agreement, basic ordering agreement, or blanket purchasing agreement. The Contractor is responsible for the currency, accuracy and completeness of the data within SAM, and for any liability resulting from the Government's reliance on inaccurate or incomplete data. To remain registered in SAM after the initial registration, the Contractor is required to review and update on an annual basis, from the date of initial registration or subsequent updates, its information in SAM to ensure it is current, accurate and complete. Updating information in SAM does not alter the terms and conditions of this contract and is not a substitute for a properly executed contractual document.

i) The bidder shall enter, on the Bidder's response, unique entity identifier (UEI) number that identifies the bidder's name and address exactly as stated in the bid. The UEI number will be used by the Procurement Office to verify that the bidder is registered in the SAM database.

ii) If the bidder does not have a UEI number, it should refer to www.sam.gov which is the designated entity for establishing *unique entity identifiers*.

(1) The bidder should be prepared to provide the following information:
(a) Company legal business.
(b) Tradestyle, doing business, or other name by which your entity is commonly recognized.
(c) Company Physical Street Address, City, State, and ZIP Code.
(d) Company Mailing Address, City, State and ZIP Code (if separate from physical).
(e) Company Telephone Number.
(f) Date the company was started.
(g) Number of employees at your location.
(h) Chief executive officer/key manager.
(i) Line of business (industry).
(j) Company Headquarters name and address (reporting relationship within your entity).

iii) If the Bidder does not become registered in the SAM database in the time prescribed in this solicitation, the City will proceed to award to the next lowest responsive and responsible registered Bidder.

iv) Processing time, which normally takes 48 hours, should be taken into consideration when registering. Bidders who are not registered should consider applying for registration immediately upon receipt of this solicitation.

v) Bidders may obtain information on registration at https://www.acquisition.gov.

By submission of an offer, the offeror acknowledges the requirement that a prospective awardee shall be registered in the System for Award Management prior to award, during performance, and through final payment of any contract, basic agreement, basic ordering agreement, or blanket purchasing agreement resulting from this solicitation. **If registration prior to award is not possible, the awardee shall be registered in the System for Award Management within 30 days after award or before three days prior to submission of the first invoice, whichever occurs first.**

## 3) CONTRACT AWARD REQUIREMENTS

a) Bidder shall be required to submit the following within two (2) business days of issuing the notice of award:

i) Certificate of Insurance for Bidder and all subcontractors.

ii) Completed Subcontractor List (Refer to Agreement Exhibit).

iii) Active registration for a unique entity identifier (UEI) number and System for Awards Management Cage code.

b) Failure to submit contract award requirements within the above stated timeframe shall cause the City to rescind the Notice of Award issued to the awarded Bidder.

**4) CONTRACT REQUIREMENTS**

a) EMERGENCY OPERATIONS SUPPORT

i) The Contractor may be required to provide services and/or commodity after an emergency event, such as a hurricane.

ii) The City will notify the Contractor if a need arises for furnishing services and/or commodities through a telephone call, fax or email communication. The City will provide the location for service or delivery.

# SUBMITTAL PACKAGE FORMAT REQUIREMENTS
# MARINE GRADE CONCRETE
# SOLICITATION F2022103/MAT-CONCRETE/EOC/2223

## 1) PURPOSE

The purpose of this section of the Solicitation Document is to identify the requirements for Bidders to submit a **complete, responsive AND correct** Submittal Package, which shall cover:

A. Submittal Format allowed for Submittal Packages. The types of submittal formats and Solicitation Package components referred to in this section are defined in this Solicitation Document's General Conditions - Definitions section.

B. Advise Bidders of the City's determination of which submittal components are deemed material or non-material to the Bidder's Submittal Package.

C. Advise Bidders of the results if the Bidder omits or submits incorrect/incomplete Submittal Packages. Components deemed by the City to be material elements and are found to have a material defect in the Bidder's Submittal Packages shall result in the **REJECTION** of the Bidder's Submittal Package in its entirety and will not be considered for evaluation.

## 2) SUBMITTAL PACKAGE REQUIREMENTS

A. **Unit prices** shall be stated within the Solicitation Document Bidder's Response Form and/or Schedule of Values document, as applicable. Unit prices shall prevail in the event of an error in the Bidder's prices or extension of unit prices. Bidders are **strongly encouraged to review and verify their prices bid.**

1) **PRICING NOT PROVIDED ON CITY PROVIDED BID SCHEDULE FORM, OR BIDDERS ADDING LINE ITEMS TO THE BID SCHEDULE SHALL BE REJECTED.**

B. **METHODS FOR SUBMITTING A SUBMITTAL PACKAGE**

1) On-line response on the City's ON-LINE SOLICITATION SYSTEM www.pgorda.com

i. Complete the Bidder's Response form, located within this Solicitation Document.

ii. Upload the completed Bidder's Response form and **all** required submittal package components, stated in the below Submittal Package Requirements table, to the on-line response.

2) Hard copy response

i. Complete the Bidder's Response form, located within this Solicitation Document.

ii. Submit the completed Bidder's Response form and **all** required submittal package components, stated in the below Submittal Package Requirements table, in a sealed envelope with the completed label as provided on page 3 of this Solicitation Document.

iii. **One UNBOUND original with all supporting documentation** submitted as follows: 1) Letter size preferred, Maximum size – legal; 2) **20#** paper; 3) single sided; 4) no tabs or separators. The original must include **ALL ORIGINALLY SIGNED documents.**

**iv. SUBMIT HARDCOPY DOCUMENTS TO:**

**City of Punta Gorda**
**Procurement Division**
**Mailing: 326 W. Marion Avenue**
**Physical: 126 Harvey St, 2nd Floor**
**Punta Gorda, FL 33950**

3) Combination of both on-line and hard copy submittal package components.

4) If the bidder submits complete submittal packages in both on-line and in hardcopy format the submittal packages submitted on-line shall take precedence.

C. Failure to submit a Submittal Package On-line prior to the due date and time shall result in the ON-LINE SOLICTATION SYSTEM refusing to accept the Bidder's request to submit. Failure to submit a Submittal Package in

hardcopy prior to the due date and time shall result the City not accepting the Submittal Package and the submittal package will not be opened by the City.

D. The below Submittal Package Requirements table will advise Bidders 1) order of submittal package components for submitting; 2) the requirements for submitting a COMPLETE and RESPONSIVE Submittal Package; 3) result if the submittal package components is omitted from the Bidder's Submittal Package; and 4) acceptable methods for responding.

Bidders shall contact the authorized City contact IN WRITING (hard copy or email) should they have any questions or request clarification on any requirements stated below.

1) COLUMN 1 – Checkbox to assist Bidder's in checking off Submittal Package Components as they are completed.

2) COLUMN 2 – Identifies Submittal Package Components required to be Submitted

3) COLUMN 3 - The result of the City's determination if omissions and/or incorrect/incomplete responses are submitted in the Bidder's Submittal Package are as follows:

(a) **REJECTED** – This is a defect that is a material element to the required Submittal Package and may not be cured after opening. Bidder must submit these requirements prior to the established due date and time for all components identified as "REJECTED". **FAILURE TO SUBMIT SHALL RESULT IN THE REJECTION OF THE SUBMITTAL PACKAGE IN ITS ENTIRETY.**

(b) **NOT MATERIAL –** THESE DOCUMENTS ARE REQUIRED. HOWEVER, TO ALLOW FLEXIBILITY IN THE PROCESS AND IN THE EVENT A BIDDER FAILS TO SUBMIT THE COMPONENT PRIOR TO THE DUE DATE AND TIME ESTABLISHED FOR SUBMITTING SUBMITTAL PACKAGES, THIS TIME EXENTION IS GRANTED **FOR ONLY THOSE ITEMS INDICATED AS "NOT MATERIAL"**.

This is a defect that is NOT a material element to the required Submittal Package. Should a submittal component be omitted, submitted incorrectly or found to be incomplete the Bidder shall cure the defect within ten (10) City business days, or as directed by the City, from the established due date in order to be considered responsive. **This flexibility shall NOT BE CONSIDERED as allowing Bidders additional time in completing their documentation.**

**FAILURE TO SUBMIT WITHIN THE TIMEFRAME SHALL RESULT IN THE REJECTION OF THE BIDDER'S SUBMITTAL PACKAGE IN ITS ENTIRETY. THE CITY OF PUNTA GORDA IS <u>NOT</u> RESPONSIBLE FOR NOTIFYING BIDDERS OF OMITTED SUBMITTAL PACKAGE COMPONENTS.**

4) COLUMN 4 - Approved format for submitting a Submittal Package Component:

(a) Electronic Documents is defined as Adobe PDF and MS Excel files for those solicitations with a separate Schedule of Values

(i) A single PDF document, is preferred, and must be uploaded as the **<u>REQUIRED</u>** "Bidder's Submittal Package Response" document within the on-line Response on section tab "Response Attachments". However, multiple documents may be attached as "Other Response Attachments"; or

(ii) Bidder may submit the electronic response documents on a flash drive in their sealed envelope. The storage device will NOT be returned to the Bidder. No other electronic format will be accepted.

(b) Hard Copy Documents – Paper form of Submittal Package.

| FOR BIDDER'S USE CHECK OFF AS COMPLETED | SUBMITTAL PACKAGE COMPONENTS REQUIRED TO BE SUBMITTED | RESULT OF BIDDER'S OMISSION; OR SUBMITTING INCORRECTLY; AND/OR SUBMITTING INCOMPLETE RESPONSE TO THE COMPONENT PRIOR TO THE ESTABLISHED DUE DATE AND TIME | APPROVED SUBMITTAL FORMAT |
|---|---|---|---|
| ☐ | **Bidder Response Form included in this document** | **REJECTED** | Electronic or Hard Copy Format |
| ☐ | City Forms executed as directed | NOT MATERIAL | Electronic or Hard Copy Format |
| ☐ | Certified Resolution included in this document executed or Bidder's executed resolutions authorizing the signing representative the authority to submit a response on behalf of the Bidder. | NOT MATERIAL | Electronic or Hard Copy Format |
| ☐ | Federal Forms executed as directed | NOT MATERIAL | Electronic or Hard Copy Format |

**Failure to submit any one of the above requirements and/or completed documents by the bidder AND within the required timeframe shall constitute grounds for rejection of the Bidder's response.**

# EVALUATION PROCESS
# MARINE GRADE CONCRETE
# SOLICITATION F2022103/MAT-CONCRETE/EOC/2223

**1) SUBMITTAL PACKAGE QUALIFICATION PROCESS**

a) Procurement Staff will review and verify all Submittal Packages for:

i) Compliance with the Solicitation Document, Submittal Package Requirements Section; and

ii) Compliance with the Solicitation Package Requirements, which shall include verification that the Bidders meet all stated Minimum Qualification Requirements.

b) If necessary, the City may conduct discussions with Bidders to further clarify the Bidder's response as may be necessary.

c) If the City is unable to determine the true price proposed in any Submittal Package, the Bidder's response shall be deemed non-responsive and thereby rejected.

d) The apparent low bidder shall not be construed as the awarded bidder until the apparent low bidder's Submittal Package is deemed responsive, bidder deemed responsible and the appropriate level of award authority approves City staff's recommendation for award.

**2) REFERENCE SURVEYS**

a) As applicable, Procurement will process Reference Surveys for all submittal packages verified to be in compliance with the Submittal Package and Solicitation Package requirements.

b) In the event the Bidder has performed work for the City of Punta Gorda, the City's experience shall be considered when evaluating references for determining a responsible Bidder. The City reserves the right to utilize other sources (i.e. Better Business Bureau, State/Federal databases, etc) for determining a responsible Bidder.

**3) DISTRIBUTION OF SUBMITTAL PACKAGES FOR EVALUATION**

a) The Procurement Office will distribute evaluation packages to the respective department for evaluation and recommendation for award. Bidder's responsiveness to the specifications shall be determined during the evaluation phase.

b) The recommendation for award shall be submitted to the appropriate level of award authority for approval of award.

c) The City shall consider the qualifications of the Bidder, subcontractors, suppliers and proposed manufacturers in the evaluation of Submittal Packages. The City may conduct such investigations as deemed necessary to establish the responsible qualifications and financial ability of the Bidders, proposed subcontractors, suppliers and proposed manufacturers. The City reserves the right to reject the response of any Bidder who is not deemed acceptable by the City.

d) Payment terms offering a discount if paid within 30 calendar days will be considered in the evaluation.

e) The On-Line Solicitation, Bid Line Item Schedule, will provide estimated quantities for those line items without definitive quantities. The extended prices shall be used in the evaluation submittals received. Maximum increase percentages, as applicable, for subsequent years shall be used to determine the maximum potential cost for the initial term of the Agreement and the lowest bidder.

The Bidder's attention is called to the fact that any estimate of quantities of work and materials or commodities for purchase within this Solicitation Package is approximate only and not guaranteed. The City does not assume any responsibility that the final quantities shall remain in strict accordance with the estimated quantities stated in the Solicitation Package, nor shall the Bidder plead misunderstanding or deception because of such estimate of quantities or of the character, location of the work, or other conditions pertaining thereto.

# BIDDER'S RESPONSE FORM
# CITY OF PUNTA GORDA, FLORIDA
# MARINE GRADE CONCRETE
# F2022103/MAT-CONCRETE/EOC/2223

| **Bidder's (BUSINESS) Name:** | **Print name of Bidder's Authorized Agent responding to solicitation:** |
|---|---|
| **Bidder's Mailing Address:** | **Bidder's Physical Address:** |
| **Bidder's Contact Numbers**<br>**Phone: ( )**<br>**Fax: ( )** | **Authorized Agent's email address:** |

| **Unique Entity Identifier:** | **Federal ID Number (If SSN leave blank):** | **System for Award Management CAGE Code:** |
|---|---|---|
| | | |

**1)** Is the Authorized Agent responsible for receiving and responding to ALL correspondence relating to this solicitation?

☐ Yes ☐No – If no, complete 3

**2)** Is the contact information stated above correct for the Authorized Agent? ☐ Yes ☐No - If no, complete 4

| **3)** Provide contact information for receiving and responding to ALL correspondence relating to this solicitation: | **4)** Provide the following contact information for the Authorized Agent? |
|---|---|
| Name:<br>Mailing Address:<br>Phone ( ) Email address: | Mailing Address:<br>Phone ( ) Fax ( ) |

Physical Address of Prime Bidder's Office Location Providing Service:

All Solicitation Package forms shall be fully executed and submitted as specified in the Submittal Package Format Requirements section of this Solicitation Document. **SUBMITTAL PACKAGES NOT INCLUDING CITY FORMS SHALL BE REJECTED.** Any and all Submittal Packages, which do not comply with the Solicitation Package Requirements, shall be rejected. The City reserves the right to accept and/or reject any or all responses.

Submitting a Submittal Package in response to this Solicitation Package certifies the Bidder's Authorized Agent has read, understands and accepts the ENTIRE contents of this Solicitation Package, the Bidder's Submittal Package and agrees to comply with all requirements prescribed in the Solicitation Package.

Addenda Acknowledgement: Addendum # _____ Addendum # _____ Addendum # _____ Addendum # _____

Signature Date

**1. BID SCHEDULE**

In compliance with the Solicitation F2022103/MAT-CONCRETE/EOC/2223, the Bidder having examined the solicitation package, and being familiar with the conditions to be met, hereby submits the following bid schedule for furnishing the material, equipment, labor and all other incidentals necessary for providing the items listed below and agrees to deliver said items at the locations and for the prices set forth on this form, the Schedule of Values, and/or on-line line items.

**DO NOT REVISE DESCRIPITIONS, UNIT OF MEASURES (UOM) OR QUANTITIES. DO NOT ADD LINE ITEMS OR INDICATE VARIANCES TO THE BID SCHEDULE.**

| Item | Description | UOM | Estimated Quantity | Unit Price | Extended Price |
|---|---|---|---|---|---|
| 1 | Marine Grade 5500 Ready Mix | Cubic Yard | 9,800 | $ | $ |
| 2 | Environmental Fee | Cubic Yard | 9,800 | $ | $ |
| 3 | Euco-Bar Surface Retardant | Gallon | 200 | | |
| 4 | Short Load Charge – Less than 5 Cubic Yards | Cubic Yard | 4 | $ | $ |
| **TOTAL EXTENDED PRICE – ITEMS 1 THROUGH 4** | | | | **$** | |

**2. DBE/MBE/WBE CERTIFICATION** – Bidder certifies they are a Disadvantage/Small Business Enterprise (DBE), Minority Business Enterprise (WBE) or Woman Owned Business Enterprise (WBE) Vendor.

Select: DBE _____ MBE _____ WBE _____

Signature: _____

**3. DOMESTIC PREFERENCE FOR PROCUREMENTS –** Bidder shall indicate whether goods, products or materials are produced in the United States (including but not limited to iron, aluminum, steel, cement and other manufactured products).

Proposed Products are produced in the United States: Yes _____ No _____

**4. DELIVERY/RESPONSE TIME**

Bidders shall indicate a delivery date, response time, or completion time for services, as applicable to this Solicitation. Failure to state delivery time, response time or completion time may be used as a basis for rejection of response. In the event deliveries or services are not made as specified to a City delivery point or project site, the Procurement Manager shall reserve the right to purchase any solicitation item from the next lowest Bidder.

a. Delivery Schedule: _____ calendar days after receipt of order.

**5. PAYMENT TERMS** - Payment shall be in accordance with the Florida Prompt Payment Act, sections 218.70 through 218.79, Florida Statutes unless an early payment discount is offered and/or credit card payment is accepted.

a. Early pay discount terms: _____ (example 2% 10 Net 30)
NOTE: IF NO EARLY PAY DISCOUNTS OFFERED TERMS ARE NET 30 (FS Prompt Pay Act)

i. Does the early pay discount apply to credit card payments? Yes _____ No _____

b. CREDIT CARD

i. Does your company accept CREDIT CARD payments? Yes _____ No _____

Credit card payments will be processed upon the City's inspection and acceptance of goods/services and receipt of invoice for payment. The City will not pay fees for credit card transactions.

c. If the Bidder does not accept Credit Cards, the City will pay by Electronic Funds Transfer (EFT).

Bidder Accept EFT Payment? Yes _____ No _____

**NON-COLLUSION /LOBBYING CERTIFICATION**

_____, being the authorized Agent, certifies that:

He/she is the _____, (Owner, Partner, Officer, Representative or Agent) of _____ the Bidder that has submitted the attached Proposal;

**NON-COLLUSION PROVISION CERTIFICATION**

The undersigned hereby certifies, to the best of his or her knowledge and belief, that on behalf of the person, firm, association, or corporation submitting the bid certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action, in restraint of free competitive bidding in connection with the submitted bid. Failure to submit the executed statement as part of the bidding documents will make the bid nonresponsive and not eligible for award consideration.

**LOBBYING CERTIFICATION**

"The undersigned hereby certifies, to the best of his or her knowledge and belief, that:

(a) No City appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence either directly or indirectly an officer or employee of the City, City Council Member of Congress in connection with the awarding of any City Contract.

(b) If any funds other than City appropriated funds have been paid or will be paid to any person for influencing or attempting to influence a member of City Council or an officer or employee of the City in connection with this contract, the undersigned shall complete and submit Standard Form-L "Disclosure Form to Report Lobbying", in accordance with its instructions.

By:_____

_____ _____

Witness (Printed Name)

_____

**(Title)**

# CONFLICT OF INTEREST FORM

F.S. §112.313 places limitations on public officers (including advisory board members) and employees' ability to contract with the City either directly or indirectly. Therefore, please indicate if the following applies:

**PART I.**

☐ I am an employee, public officer or advisory board member of the City _____**(List Position Or Board)**

☐ I am the spouse or child of an employee, public officer or advisory board member of the City
**Name:** _____

☐ An employee, public officer or advisory board member of the City, or their spouse or child, is an officer, partner, director, or proprietor of Respondent or has a material interest in Respondent. "Material interest" means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. For the purposes of [§112.313], indirect ownership does not include ownership by a spouse or minor child.
**Name:** _____

☐ Respondent employs or contracts with an employee, public officer or advisory board member of the City
**Name:** _____

☐ None of The Above

**PART II:**

Are you going to request an advisory board member waiver?

☐ I will request an advisory board member waiver under §112.313(12)

☐ I will NOT request an advisory board member waiver under §112.313(12)

☐ N/A

**The City shall review any relationships which may be prohibited under the Florida Ethics Code and will disqualify any vendors whose conflicts are not waived or exempt.**

**BUSINESS NAME:**_____

**NAME (PERSON AUTHORIZED TO BIND THE COMPANY):** _____

**SIGNATURE:**_____ **DATE:**_____

# CERTIFIED RESOLUTION

I, _____ (Name), the duly elected Secretary of _____(Corporate Title), a corporation organized and existing under the laws of the State of _____, do hereby certify that the following Resolution was unanimously adopted and passed by a quorum of the Board of Directors of the said corporation at a meeting held in accordance with law and the by-laws of the said corporation.

"IT IS HEREBY RESOLVED THAT _____ (Name)", the duly elected _____ (Title of Officer) of _____(Corporate Title) be and is hereby authorized to execute and submit a Bid and/or Bid Bond, if such bond is required, to the City of Punta Gorda and **such other instruments in writing as may be necessary on behalf of the said corporation**; and that the Bid, Bid Bond, and other such instruments signed by him/her shall be binding upon the said corporation as its own acts and deeds. The secretary shall certify the names and signatures of those authorized to act by the foregoing resolution.

The City of Punta Gorda shall be fully protected in relying upon such certification of the secretary and shall be indemnified and saved harmless from any and all claims, demands, expenses, loss or damage resulting from or growing out of honoring, the signature of any person so certified or for refusing to honor any signature not so certified.

I further certify that the above resolution is in force and effect and has not been revised, revoked or rescinded.

I further certify that the following are the name, titles and official signatures of those persons authorized to act by the foregoing resolution.

| NAME | TITLE | SIGNATURE |
|---|---|---|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Given under my hand and the Seal of the said corporation this _____ day of _____, 20_____ .

(SEAL)
Secretary

By:_____

_____
Corporate Title

NOTE:
The above is a suggested form of the type of Corporate Resolution desired. Such form need not be followed explicitly, but the Certified Resolution submitted must clearly show to the satisfaction of the City of Punta Gorda that the person signing the Bid and Bid Bond (as applicable) for the corporation has been properly empowered by the corporation to do so in its behalf.

## CITY OF PUNTA GORDA, FL (CITY) - INDEMNIFICATION/LIMITATION OF LIABILITY

A. INDEMNIFICATION The CONTRACTOR shall be fully liable for the actions of its agents, employees, partners, or subcontractors and shall fully indemnify, defend, and hold harmless the CITY, and their officers, agents, and employees, from suits, actions, damages, and costs of every name and description, including attorneys' fees, arising from or relating to personal injury and damage to real or personal tangible property alleged to be caused in whole or in part by CONTRACTOR, its agents, employees, partners, or subcontractors, provided, however, that the CONTRACTOR shall not indemnify for that portion of any loss or damages proximately caused by the negligent act or omission of the CITY.

Further, the CONTRACTOR shall fully indemnify, defend, and hold harmless the CITY from any suits, actions, damages, and costs of every name and description, including attorneys' fees, arising from or relating to violation or infringement of a trademark, copyright, patent, trade secret or intellectual property right, provided, however, that the foregoing obligation shall not apply to misuse or modification or CONTRACTOR's products. If any product is the subject of an infringement suit or in the CONTRACTOR'S opinion is likely to become the subject of such a suit, the CONTRACTOR may at its sole expense PROCURE for the CITY the right to continue using the product or to modify it to become non-infringing. If the CONTRACTOR is not reasonably able to modify or otherwise secure the right to continue using the product, the CONTRACTOR shall remove the product and refund the CITY amounts paid in excess of a reasonable payment for past use. The CITY shall not be liable for any royalties.

The CONTRACTOR's obligations under the preceding two paragraphs with respect to any legal action are contingent upon the CITY giving the CONTRACTOR (1) written notice of any action or threatened action, (2) the opportunity to take over and settle or defend any such action at CONTRACTOR'S sole expense, and (3) assistance in defending the action at CONTRACTOR's sole expense. The CONTRACTOR shall not be liable for any cost, expense, or compromise incurred or made by the CITY in any legal action without the CONTRACTOR's prior written consent, which shall not be unreasonably withheld.

B. LIMITATION OF LIABILITY. For all claims against the Contractor under any individual purchase order, and regardless of the basis on which the claim is made, the Contractor's liability under this Agreement for direct damages shall be limited to the greater of $25,000, or the dollar amount of the purchase order, or two times the charges rendered by the Contractor under this Agreement. This limitation shall not apply to claims arising under the Indemnity paragraph contained in this agreement.

Unless otherwise specifically enumerated in the Agreement or in the purchase order, no party shall be liable to another for special, indirect, punitive, or consequential damages, including lost data or records (unless the purchase order requires the CONTRACTOR to back-up data or records), even if the party has been advised that such damages are possible. No party shall be liable for lost profits, lost revenue, or lost institutional operating savings. The CITY and Customer may, in addition to other remedies available to them at law or equity and upon notice to the CONTRACTOR, retain such monies from amounts due the CONTRACTOR as may be necessary to satisfy any claim for damages, penalties, costs and the like asserted by or against them. The CITY may set off any liability or other obligation of the CONTRACTOR or its affiliates to the CITY against any payments due the CONTRACTOR under any contract with the CITY.

I, _____, being an authorized

representative of the firm (CONTRACTOR) of _____located

at _____, _____, _____, _____.
*(Address)* *(City)* *(State)* *(Zip Code)*

having read, understood and agreed to the contents stated above hereby submits this signed Agreement as of _____, 20_____.

Telephone:_____ Email:_____.

_____ _____
*(Please Print Name)* *(Signature)*

**PROHIBITION AGAINST CONTRACTING WITH SCRUTINIZED COMPANIES:**

In accordance with Section 287.135(2) of the Florida Statutes, "[a] company is ineligible to, and may not, bid on, submit a proposal for, or enter into or renew a contract with an agency or local governmental entity for goods or services of:

(a) Any amount if, at the time of bidding on, submitting a proposal for, or entering into or renewing a contract, the company is on the Scrutinized Companies that Boycott Israel List, created pursuant to s. 215.4725, or is engaged in a boycott of Israel; or
(b) One million dollars or more if, at the time of bidding on, or submitting a proposal for, or entering into or renewing such contract, the company:

1. Is on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, created pursuant to s. 215.473, or

2. Is engaged in business operations in Cuba or Syria." Section 215.473 of the Florida Statutes defines a company to include "all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such entities or business associations, that exists for the purpose of making profit."

By submitting a response to this solicitation, a respondent certifies that it and those related entities of respondent as defined above by Florida law above are not on the Scrutinized Companies that Boycott Israel List, created pursuant to s. 215.4725 of the Florida Statutes, and are not engaged in a boycott of Israel.

In addition, if this solicitation is for a contract for goods or services of one million dollars or more, by submitting a response to this solicitation, a respondent certifies that it and those related entities of respondent as defined above by Florida law are not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, created pursuant to Section 215.473 of the Florida Statutes and are not engaged in business operations in Cuba or Syria.

Any respondent awarded a Contract as a result of this solicitation shall be required to recertify the aforementioned certifications at each renewal of the Contract. The City may terminate any contract resulting from this solicitation if respondent or any of those related entities of respondent as defined above by Florida law are found to have submitted a false certification or any of the following occur with respect to the company or a related entity: (i) it has been placed on the Scrutinized Companies that Boycott Israel List, or is engaged in a boycott of Israel, or (ii) for any contract for goods or services of one million dollars or more, it has been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or it is found to have been engaged in business operations in Cuba or Syria. Notwithstanding the preceding, the City reserves the right and may, in its sole discretion, on a case by case basis, permit a company on such lists or engaged in business operations in Cuba or Syria to be eligible for, bid on, submit a proposal for, or enter into or renew a contract for goods or services of one million dollars or more, or may permit a company on the Scrutinized Companies that Boycott Israel List to be eligible for, bid on, submit a proposal for, or enter into or renew a contract for goods or services of any amount, should the City determine that the conditions set forth in Section 287.135(4) of the Florida Statutes are met.

Accordingly, firms responding to this solicitation shall execute and return with their response an executed copy of the attached, Certification Regarding Prohibition Against Contracting With Scrutinized Companies. A contract shall not be awarded to a Respondent who does not submit the certification form at the time of submittal or within five (5) business days date the City requests the certification form be submitted, if a Respondent fails to return the form with its response.

Name of Bidder: _____

Authorized Signature: _____ Date: _____

Title: _____ Printed Name: _____

# VERIFICATION OF EMPLOYMENT STATUS

I/We _____ (Name) hereby certify that I/we, will utilize the U. S. Department of Homeland Security's E-Verify system in accordance with the terms governing the use of the system to confirm the employment eligibility of employees and subcontractors requirements in accordance with Florida Statues, Section 448.095.

I/We understand and acknowledge that the City shall terminate any contract with a person or entity which has knowingly violated Florida Statutes, Section 448.095.

NAME OF CONTACTOR: _____

ADDRESS OF CONTRACTOR: _____

_____

_____

AUTHORIZED SIGNATURE: _____

TITLE: _____

DATE: _____

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS PRIMARY COVERED TRANSACTIONS**

This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000.

The Bidder certifies that, neither the firm nor any person associated therewith in the capacity of owner, partner, director, officer, principal, investigator, project director, manager, auditor, and/or position involving the administration of federal funds:

(a) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions, as defined in 49 CFR s29.110(a), by any federal department or agency;

(b) has within a three-year period preceding this certification been convicted of or had a civil judgment rendered against it for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or public contract; violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) is presently indicted for or otherwise criminally or civilly charged by a federal, state, or local governmental entity with commission of any of the offenses enumerated in paragraph (b) of this certification; and

(d) has within a three-year period preceding this certification had one or more federal, state, or local government public transactions terminated for cause or default.

The Bidder certifies that it shall not knowingly enter into any transaction with any subcontractor, material supplier, or vendor who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this project by any federal agency unless authorized by the City of Punta Gorda.

The Bidder must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.

This certification is a material representation of fact relied upon by the City of Punta Gorda. If it is later determined that the contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the City of Punta Gorda, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.

The bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

_____
Company (Bidder) Name

_____ _____
Authorized Representative Name Authorized Representative Signature

_____ _____ _____
Federal Issued Tax Identification Number (If Social Security number DO NOT enter) UEI Number CAGE Code issued through www.sam.gov

_____
Date

## ACKNOWLEDGEMENT OF TERMS, CONDITIONS, AND GRANT CLAUSES

**Flow down of Terms and Conditions from the Federal Regulations and/or Grant Agreement**

Subcontracts: If the Bidder subcontracts any portion of the work under this Agreement, a copy of the signed subcontract must be available to the City of Punta Gorda for review and approval. The bidder agrees to include in the subcontract that:

(1) the subcontractor is bound by the terms of this Agreement;

(2) the subcontractor is bound by all applicable state and federal laws and regulations; and

(3) the subcontractor shall hold the City of Punta Gorda, grant recipient and granting agency harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this Agreement, to the extent allowed and required by law.

**Grant Conditions and Federal Provisions**

On behalf of the Bidder, I acknowledge, and agree to perform all of the specifications and grant requirements identified in this solicitation document(s).

| | |
|---|---|
| _____ | _____ |
| Company (Bidder) Name | Date |
| _____ | _____ |
| Authorized Representative Name | Authorized Representative Signature |

**FEDERAL NON-COLLUSION /LOBBYING CERTIFICATION**

_____, being the authorized Agent, certifies that:

He/she is the _____, (Owner,

Partner, Officer, Representative or Agent) of _____ the Bidder that has

submitted the attached Proposal;

**NON-COLLUSION PROVISION CERTIFICATION**

The undersigned hereby certifies, to the best of his or her knowledge and belief, that on behalf of the person, firm, association, or corporation submitting the bid certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action, in restraint of free competitive bidding in connection with the submitted bid. Failure to submit the executed statement as part of the bidding documents will make the bid nonresponsive and not eligible for award consideration.

**LOBBYING CERTIFICATION**

"The undersigned hereby certifies, to the best of his or her knowledge and belief, that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence either directly or indirectly an officer or employee of any state or federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal Contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-L "Disclosure Form to Report Lobbying", in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, US Code. Any persons who fail to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each failure."

By:_____

_____
Witness

_____
(Printed Name)

_____
(Title)

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**REGULAR AGENDA**

**Title:** Public Restroom Facilities - Bailey Brothers Park

**Funds:** Not applicable

**Recommended Action:** City Council discussion

**Summary:**

On May 4, 2022, a request was made to and approved by City Council for the use of Bailey Brothers Park. The requested use was as a flea market/marketplace with food trucks and vendor tents, as well as a general meeting venue. Subsequent to approval, Temporary Use Permit #TU-08-2022, effective June 1, 2022 and expiring May 31, 2023, was issued conditioning the use of the Park. Permit conditions are as follows:

- The rental rate for Bailey Brothers Park is $75.00 per week and will be invoiced quarterly at the request of the applicant.
- The Happy Hour Marketplace is responsible for the removal of all the garbage on-site.
- If the trash receptacles are used, the Market must empty and re-line the City's receptacles.
- Portable sanitation facilities are required to be in place.
- No streets are permitted to be closed.
- A Business Tax Receipt is required to be obtained at the City Clerk's office prior to operation.
- A certificate of insurance is required.

The applicant requested that the City pay for the monthly fee for portable sanitation and/or invest in permanent restroom facilities at this location for the good of the community.

Ordinance 1494-07, Section 16.9. regulates Temporary Use Permits. Sub-section (d)(4) requires sanitary facilities. Both the Ordinance and permit application are attached for your consideration.

**Department/Division:** City Manager

**EXHIBITS:**

1. Temporary Use
2. Temporary Use Application and Permit

exception shall be the same as specified for the approval of the original exception.

(q) Termination of Use. A special exception use shall be deemed terminated upon the occurrence of any of the following conditions:

(1) Two (2) years after the date of the approval by the City Council unless a permit or occupancy permit has been issued for the use, if required. City Council shall have in its sole discretion the authority to grant additional time, not to exceed a total of five (5) years from the initial Special Exception approval date, if no less than ninety (90) days prior to the date of expiration of the Special Exception, the property owner makes application for an extension of the approved Special Exception. As part of the application, the property owner shall demonstrate that since the date of Special Exception approval it has been pursuing in good faith all required governmental authorizations for its proposed use and additional time is necessary to secure all such approvals.

(2) If the use is discontinued, vacant or inactive for any reason for a continuous period of two years or more. The use shall be re-established only if a new Special Exception approval is obtained.

(r) Revocation. A special exception approval may be revoked by the City Council, upon non-compliance and/or violation of any condition attached to the special exception, after notice and a public hearing pursuant to this Article.

(s) Successive Applications. No application for a special exception use, which has been denied wholly or in part by the City Council, shall be resubmitted until the expiration of 12 months or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient by City Council to justify consideration by the City Council.

*{Ord. No. 1478-07, <sec> 5, 04-04-07; Ord. No. 1637-10, <sec> 1, 6-2-10; Ord. No. 1762-13, <sec> 4, 7-3-13; Ord. No. 1895-18, <sec> 1, 05-02-2018}*

## Section 16.9. Temporary Use Permits

(a) Uses Permitted with a Temporary Use Permit.

(1) Retail sales of Christmas Trees, produce stands and other seasonal agricultural products and related goods on commercially zoned property, not to exceed 60 days.

(2) Temporary storage container on residential single family private property during minor construction or renovation/repair, not to exceed 45 days.

(3) Temporary office use, not to exceed six months; may be renewed if conditions warrant.

(4) Temporary construction office/sales center for associated development.

(5) If a State of Emergency is activated, the time allowances of temporary uses may be extended.

(6) Uses not otherwise permitted in the zone that can be made compatible for periods of limited duration and/or frequency.

(7) Limited expansion of any use that is otherwise allowed in the zone but which exceeds the intended scope of the original land use approval.

(8) Other temporary uses, which, in the opinion of the Zoning Official are similar to the uses listed in this section or would be needed in a State of Emergency.

(b) Any person desiring to establish a temporary use shall submit an application for a temporary use permit to the Zoning Official on an application provided by the City. The Zoning Official is hereby authorized to grant a temporary use permit under the terms of this section.

(c) Criteria for Approval:

(1) The proposed temporary use will be compatible with adjacent uses and will not adversely affect the surrounding neighborhood by means of odor, noise, dust or other nuisances.

(2) If additional parking is required by the temporary use, the parking shall be provided on site.

(3) Increase in traffic caused by the temporary use will not adversely affect the surrounding neighborhood or City at large.

(4) The proposed site for the temporary use or structure is adequate in size and shape to accommodate the temporary use.

(5) The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quality of traffic that such temporary use will or could reasonably generate.

(6) Permanent alterations to the site are prohibited.

(7) Permanent signs are prohibited. All approved temporary signs associated with the temporary use shall be removed when the activity ends.

(8) Placement of paper “flyers” on parked vehicles is prohibited.

(9) No person who is a repeat violator of the provisions of this Section may be issued a Temporary Use Permit for the use that was in violation.

(d) General Regulations:

(1) Each temporary use shall be described in a permit thereby issued by the

Zoning Official prior to commencement of the use. This permit shall be in addition to all other licenses, permit or approvals otherwise required by any governmental entity.

(2) The number of additional parking spaces required for the temporary activity shall be determined by the Zoning Official.

(3) All sites shall be completely cleaned of debris and temporary structures including, but not limited to: trash receptacles, signs, stands, poles, electrical wiring or any other fixtures and appurtenances or equipment connected therewith within twenty-four hours after the termination of the sale or temporary use.

(4) Sanitary facilities: either portable or permanent, shall be made available to all employees, attendants and participants of the activity during its operation hours, as approved by the Zoning Official.

(5) No area of public right-of-way may be used without obtaining approval from the City Council.

(6) Proof of ownership or a notarized, signed letter from either the property owner or their authorized representative, for the property on which the activity is to take place shall be presented at the time the temporary permit is requested.

(e) Conditions of Approval. The Zoning Official may impose such conditions on a temporary use permit as is necessary to meet the purposes of the Code and protect the public health, safety and welfare and adjacent uses. Conditions which may be imposed may include, but are not limited to:

(1) Yard setback and open space requirements and visibility triangle.
(2) Parking.
(3) Fences, walls or other screening.
(4) Signs.
(5) Vehicular and pedestrian ingress and egress.
(6) Property maintenance during the course of the activity.
(7) Control of illumination, noise, odor, vibration or other nuisances.
(8) Hours of operation.
(9) Exterior lighting.

(f) Termination. At the end of the time period for which the temporary use was permitted, including any renewal or extension periods, the use shall be discontinued and all temporary structures and signs shall be removed within twenty-four (24) hours. Failure to comply with this requirement shall be a violation of this Ordinance. The Zoning Official reserves the right to terminate any temporary use permits to protect the public health, safety and welfare.

(g) Renewals, Extensions. Requests for the renewal or extension of a temporary use permit shall be made to the Zoning Official. The procedure for the renewal of a temporary use permit shall be the same as specified in this section for the

approval of the original temporary use permit.

(h) Revocation of Permit. The Zoning Official may revoke a temporary use permit at any time upon the failure of the owner or operator of the use covered by the permit to observe all requirements of the permit, this section and other relevant provisions of law, including failure to obtain appropriate business licenses. Notice of such revocation shall be given in writing by the Zoning Official to the owner or operator of the use, by hand delivery or certified mail, setting forth the reasons for the revocation, the date and time upon which the revocation is effective and the appeals procedure. This provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this Ordinance.

(i) Appeal. Any person aggrieved by an action of the Zoning Official in granting, denying or revoking a temporary use permit may appeal the decision pursuant to Chapter 26-16.2 of the City Code. In the case of an appeal from the revocation of a temporary use permit, the aggrieved party may request a meeting with the Zoning Official. Within two business days of the meeting, the Zoning Official shall inform the aggrieved person, in writing, of the decision to affirm, modify or rescind revocation of the permit.

*{Ord. No. 1494-07, <sec> 1, 07-03-07}*

## Section 16.10. Application for Variance

Owners of lands or structures or their designated agents may appeal in writing to the Board of Zoning Appeals (BZA) for variance from the requirements or restrictions of the land development regulations; except that no appeal for use or density issues may be considered. Appeals should be submitted through the Zoning Official, stating specific variances requested.

(a) Application. An application for a variance shall be filed with the Zoning Official on forms within the Urban Design Division. Required application forms, completed and signed by the applicant and property owner, shall accompany each application. Upon receipt of an application, the Zoning Official shall acknowledge acceptance or rejection of the application within ten business days from the date of submission. Upon acceptance, the Zoning Official shall transmit a copy of the completed application to the BZA.

An application for a variance shall include a written statement with supporting evidence regarding compliance with the following approval criteria:

(1) The particular provision of the Code which prevents the proposed construction on, or use of the property.
(2) The existing zoning of the property, including any previously approved conditions, or modifications.

(3) The special circumstances, conditions or characteristics of the land, building or structure that prevent the use of the land in compliance with

CITY OF PUNTA GORDA

URBAN DESIGN
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-3352
FAX: (941) 575-3310
Zoning@CityofPuntaGordaFL.com
UrbanDesign@CityofPuntaGordaFL.com

# TEMPORARY USE PERMIT APPLICATION

**Date Received:** CK# 2803 **File #:** TU-08-2022
**Application Fee:** ___ **Residential $100.00** ____ **Commercial $250.00**

**Type of Temporary Use:**

- ☐ Temporary Storage Container
- ☐ Temporary Construction office/sales center
- ☐ Seasonal agricultural sale
- ■ Other flea market

**Application and all pertinent required data (listed below) MUST be submitted with this application**

- ☐ ORIGINAL application with Signed & Notarized Temporary Use Permit Application and/or Affidavit Authorization for Agent (if applicable)
- ☐ Scaled Site Plan (and/or survey, as determined by the Zoning Official) with the following:
  - The location of ALL existing structures
  - Indicate the area of the property where any proposed temporary structures or activities are to be located.
- ☐ A copy of the deed or other evidence of ownership / or affidavit from property owner
- ☐ Copy of Local Business Tax Receipt (if applicable)
- ☐ Scaled Floor Plan (if applicable) – if the proposed use is within a building, show the interior location of the activity within the existing floor plan.

This application, with all required supplemental data and information, must be completed in accordance with the specific instructions in the application, and returned to the Zoning & Code Enforcement Division before same will be advertised for a hearing.
All requests must include a proposed 'to scale' site plan, with setback information including location of any temporary structures requested, as well as the location of existing structures. Additionally, a legal description and physical address of the property subject to the request, as well as copies of any contractual agreements must be attached. A specific time MUST be included in the request.

**1. Applicant**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Name: | James Abraham | | | | | | |
| Address: | 2455 Achilles St | City: | Port Charlotte | State: | FL | Zip: | 33980 |
| Phone: | 941-258-4920 | Email address | book-broker@hotmail.com | | | | |

**2. Owner(s) of Record** ■ Check if same as applicant

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Name: | Charles Edwards | | | | | | |
| Address: | 2455 Achilles St | City: | Port Charlotte | State: | FL | Zip: | 33980 |
| Phone: | 7322078195 | Email address | w.charles.ed@gmail.com | | | | |

**3. Business Name (if applicable)**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Name: | Happy Hour Marketplace | | | | | | |
| Address: | 2455 Achilles Street | City: | Port Charlotte | State: | FL | Zip: | 33980 |
| Phone: | 9412584920 | Email address | book-broker@hotmail.com | | | | |

| 4. Authorized Agent – (if applicable – Property Owner must sign AGENT Affidavit below) | | | | | | | |
|---|---|---|---|---|---|---|---|
| Name: | we are seeking permission to use the city-owned Bailey Brothers Park | | | | | | |
| Address: | | City: | | State: | | Zip: | |
| Phone: | | Email address | | | | | |

| 5. Property Information | | | | |
|---|---|---|---|---|
| Address (street name): 361 Dr Martin Luther King Jr Blvd | | | | |
| Parcel ID / Account # | Lot # | Block# | Section | Short Legal Description |
| 412306412012 | 32 | 40 | 06-41-23 | PUG 000 0040 0032 |

| | | | |
|---|---|---|---|
| 6. Are there any contractural agreements? | ☐ Yes, if yes include a copy | ■ NO | |
| 7. Do you currently have a City of Punta Gorda Local Business Tax Receipt? | ☐ Yes | ■ NO | |
| 8. Date request to begin: | April 2022 | 9. Date request will end: | ongoing |

10. Will this temporary use request affect neighboring properties? ■ Yes, (explain below) ☐ NO

There is one home immediately west of the property. They may be impacted by music and noise from an open-air flea market on the Bailey Brothers site.

11. What are the hours of operation? (if applicable)

| Date | Opening Time | Closing Time | Notes |
|---|---|---|---|
| Sunday | | | |
| Monday | | | |
| Tuesday | | | |
| Wednesday | | | |
| Thursday | | | |
| Friday | noon | dusk | |
| Saturday | | | |

| 12. Exterior Lighting – Type & Location Planned | 13. What are the parking accommodations? |
|---|---|
| the park is lighted and there are outlets for additional light if needed | there is ample streetside parking; the applicants hope to secure additional p[arking arrangements on a vacant lot east of the site. |

14. Is this request being made due to a Notice of Violation? ☐ Yes, (explain below) ■ NO

13a. Is this notice of violation received for this use or structure? ☐ Yes, (explain below) ☐ NO
(NOTE- if this is a second violation, your request will be denied)

15. Explain in detail the reason/purpose for this request

Please see attached

I, the undersigned, being first duly sworn, testify and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of all of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary material attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners.

By submitting this application the owner(s) of the subject property does hereby grant his/her consent to the Zoning Official and his/her designee, to enter upon the subject property for the purposes of making any examinations, surveys, measurements, and inspections deemed necessary to evaluate the subject property relative to this application.

## NOTARIAL CERTIFICATE - ACKNOWLEDGEMENT

Signature of Owner or Authorized Agent | Print Name & Title: Jorge Abrahan | Date: 4-15-22

State of Florida
County of Charlotte

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization this day of 15 April, 20 22, by Jorge Abrahan, who is personally known to me or who has produced FDL as identification.

Samantha Sorrentino
(Signature of Notary)

SAMANTHA SORRENTINO
MY COMMISSION # GG 947164
EXPIRES: February 16, 2024
Bonded Thru Notary Public Underwriters

## AGENT AFFIDAVIT (Property Owner to complete ONLY if applicable)

I/We _____, property owner(s), hereby authorize _____ to act as ***Agent*** on our behalf regarding a TEMPORARY USE PERMIT APPLICATION on the property commonly known as _____ in Punta Gorda, Florida.

Signature of Property Owner | Print Name of Property Owner | Date

State of Florida
County of Charlotte

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization this day of _____, 20 _____, by _____, who is personally known to me or who has produced _____ as identification.

(Signature of Notary) (Seal)

Zoning use only: ☐ Approved ☐ Denied

Comments/Conditions of approval: _____

Zoning Approval | Date

While doing research for "Century: A People's History of Charlotte County," I noticed the decline and fall of black and black-owned businesses in the area.

Sonja Wright, author of "Down The Street" and "Precious Memories" created for me maps of the black business district in the twenties and the pre-integration era. What's remarkable is that all of the businesses are gone.

There is no middle ground, no meeting place, no marketplace or forum where neighbors can gather to talk, trade, and engage. My position is that the only way to build and sustain such a center is if it is dynamic and self-supporting. I propose a modest venture that I hope will help foster a spirit of commerce and community. I'd like to start a flea market that would draw upon the whole county for customers.

The short-term goal would be two-fold: raising money for an established community organization and creating a community meeting place. Our long-term goal is to attract commerce from beyond the community in hopes of fostering economic activity. A flea market may be a low-capital fulcrum upon which to lever economic growth. But it's a bootstrap business, requiring more work and organization than capital.

Specifically, I'd like permission from the board to operate a flea market Friday afternoon, say from 3 to 8 p.m. The day is picked to avoid competition with existing flea markets; the hour is set to allow working people a chance to both buy and sell.

I would run the flea market and be responsible for all licensing, insurance, maintenance and operation. Cooper Street would earn half of whatever I made weekly in exchange for contracting with me to the grounds.

I anticipate selling booths for $20, below standard market rate, during the first year. I anticipate accommodating 20 vendors. That equals $200 a week, hence and anticipated revenue for Cooper Street of $400 monthly.

I would argue that those estimates are conservative. In the past year two county flea markets have closed, creating demand among both vendors and potential customers.

As a book publisher, I've secured commitments from authors willing to set up a table and sell their books. I mention that because I could see the flea market fostering other forms of culture such as poetry readings, art shows, live music, movies, and theater. I can muster 20 vendors selling everything from clothing to yard equipment to jewelry and ladies furnishings. I'd even invite shops from downtown to set up a clearance table, for example.

It could also be a place where established institutions such as churches and fraternal organizations, will have an opportunity to sell baked good or other fund-raising items.

In short, my goal is to create a marketplace of ideas and commerce; a place where the community can gather and, potentially, create something bigger and better.

# Rough Site Map: Happy Hour Marketplace

Bailey Brothers Park, on the corner of Virginia St. and MLK Blvd. The rectangular items are tables for vendors, each 6 feet long; portable restroom facilities, if needed, would be located in northwest corner of the park; food trucks and parking would be as shown along MLK and Virginia. Welcome and info center along with entertainment would be under the canopy as shown.



CITY OF PUNTA GORDA

ZONING & CODE COMPLIANCE
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-3352
pgcode@CityofPuntaGordaFL.com
Zoning@CityofPuntaGordaFL.com

# TEMPORARY USE PERMIT

James Abraham, Happy Hour Marketplace, applicant(s), has been approved for a Temporary Conditional Use Permit # TU-08-2022 at 361 Dr. Martin Luther King Blvd to allow a weekly Farmers/Flea Market. The request was approved by City Council. The rental rate for Bailey Brothers Park is $75.00 per week and will be invoiced quarterly at the request of the applicant. The Happy Hour Marketplace is responsible for the removal of all the garbage on-site. If the trash receptacles are used, the Market must empty and re-line the City's receptacles. Portable sanitation facilities are required to be in place. No streets are permitted to be closed. A Business Tax Receipt is required to be obtained at the City Clerk's office prior to operation. A certificate of insurance is required.

This permits begins on: June 1, 2022

This permits expires on: May 31, 2023

*Lisa Hannon*

Lisa Hannon, Zoning Official
Urban Design Division
City of Punta Gorda

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**REGULAR AGENDA**

| | |
|---|---|
| **Title:** | Discussion of sod replacement in swale |
| **Funds:** | Not applicable |
| **Recommended Action:** | City Council discussion |
| **Summary:** | Discussion of property owners putting sod in the swales. Not currently allowed and must conform to engineering standards to allow for proper drainage. |
| **Department/Division:** | City Manager |

**EXHIBITS:**

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**BOARDS / COMMITTEES**

| | |
|---|---|
| **Title:** | Charlotte County's representative on the Punta Gorda CRA recommendation |
| **Funds:** | Not applicable |
| **Recommended Action:** | CRA approval |
| **Summary:** | Charlotte County Commissioners have approved the recommendation of Gary Butler as Charlotte County's representative for the City's Community Redevelopment Agency. |
| **Department/Division:** | City Manager |

**EXHIBITS:**

1. Charlotte County Advisory Board Member Application
2. Gary Butler Resume
3. County Commission Letter

# APPLICATION TO SERVE ON A CHARLOTTE COUNTY ADVISORY BOARD

■ New Applicant ☐ Re-Appointment

**INCOMPLETE APPLICATIONS WILL BE RETURNED**

| | | | |
|---|---|---|---|
| **Mr/Mrs/Ms:** MR | | | |
| **Name:** | **Last** | **First** | **Middle Initial** |
| | Butler | Gary | P |
| **Residence Address:** | | | |
| 1720 Suzi Street Punta Gorda Fl 33950 | | | |
| **Street** | | **City** | **Zip Code** |
| | | | |
| **Mailing Address:** | | | |
| 900 West Marion Ave. Punta Gorda FL 33950 | | | |
| **Street** | | **City** | **Zip Code** |
| | | | |
| **Phone No.** 214-415-3958 | | 941-575-9002 | |
| | **Home** | | **Business** |
| **FAX:** | | | |
| **E-Mail Address:** gbutler@militaryheritagemuseum.org | | | |

**I hereby submit my name for consideration to serve in an advisory capacity to the Board of Charlotte County Commissioners on the following Advisory Board:**

Punta Gorda Community Redevelopment Agency

**Name of Advisory Board**

**If applying for a specific category/position, please so state:** _____

**Occupation:** Executive Director, Military Heritage Museum

**If currently retired, previous occupation:** _____

**Civic/Professional Accomplishments/Offices Held:**

Currently serve as member of Tourist Development Council

Currently serve as treasurer of the Punta Gorda Historical Society and a member of the board of directors

After 35 years with the BSA, retired in 2016 as Chief Operating Officer, National Council Boy Scouts of America



Please be advised that all information contained in this application becomes Public Record once submitted to Charlotte County.

Form revised on Wednesday, May 02, 2018

## APPLICATION TO SERVE ON A CHARLOTTE COUNTY ADVISORY BOARD – CONTINUED

**My qualifications to be eligible are as follows:**

I work within the boundaries of the Punta Gorda Community Redevelopment Agency's focus and am an active member of Historic Punta Gorda Civic Association Inc

Since becoming Executive Director of the Military Heritage Museum in 2018, led its relocation and transformation resulting in creating a major attraction in SWFL

Extensive experience throughout career serving as a volunteer on government related committees and task forces.

**If applicable, please indicate any employment, contractual relationship or status that you may have, or have had within the past 12 months, with any private business entity that rents, leases or sells any realty, or provides any goods or services to the County or that is conducting any business with the County.**

N/A

**Is this application for a new appointment?** ☒ **Yes** ☐ **No**

**If yes, please indicate what you would like to accomplish if you are appointed to this Board:**

In support of the mission of the Punta Gorda Community Redevelopment Agency, find ways to leverage my unique experiences and background

Support the successful attainment of the Community Redevelopment Plan goals

**Is this application for a re-appointment?** ☐ **Yes** ☒ **No**

- **If yes, please indicate what your accomplishments have been while serving on this Board:**

- **If "Yes", please indicate what you would like to accomplish during this term:**

**If you have previously served on a Charlotte County Advisory Board or are currently serving and seeking reappointment, please indicate the number and general nature of any voting conflict disclosure memorandum filed (Form 8B) while serving on the board:**

**Have you ever worked for the Charlotte County Board of County Commissioners?** ☐ **Yes** ☒ **No**

- **If "Yes", please list position, department, start and end date:** _____

**Do you have any relatives currently working for the Charlotte County Board of County Commissioners?** ☐ **Yes** ☒ **No**

- **If "Yes", please list name(s) and department(s):** _____

**Are you a full-time Charlotte County Resident?** ☒ **Yes** ☐ **No**



**Please be advised that all information contained in this application becomes Public Record once submitted to Charlotte County.**

**Form revised on Wednesday, May 02, 2018**

**Have you ever been convicted of a Felony or Misdemeanor? (Please be sure you understand the question, as failure to answer truthfully will disqualify you).** ☐ **Yes** ■ **No**

- **If "Yes", please explain:** _____

**Have you ever pled NO LO CONTENDRE or pled guilty to a crime which is a Felony or a Misdemeanor? (Please be sure you understand the question, as failure to answer truthfully will disqualify you).** ☐ **Yes** ■ **No**

- **If "Yes", please explain:** _____

## APPLICATION TO SERVE ON A CHARLOTTE COUNTY ADVISORY BOARD – CONTINUED

1.) **All of the Boards and Committees appointed by the Board of County Commissioners are required to comply with the Sunshine Law FS 286.011 and some of the Boards and Committees appointed by the Board of County Commissioners are required to comply with Chapter 112, Florida Statutes, the Financial Disclosure Law. You may be required to file a Form 1 Financial Disclosure. You will be provided with more information upon appointment.**

2.) **Charlotte County, an equal opportunity/affirmative action employer, considers the selection and appointment of persons to advisory boards in a non-discriminatory manner consistent with the requirements of Federal, State and Local non-discrimination laws.**

3.) **The Board of County Commissioners request that you attend the Commission meeting at which your application will be considered for appointment. This office will notify you of the Commission meeting date.**

4.) **Members who fail to regularly attend meetings may automatically forfeit their appointment.**

By signing this application, you acknowledge that you have read and understand the previous statements.

Gary Butler Digitally signed by Gary Butler Date: 2022.12.20 05:23:15 -05'00'

Signature

12/20/2022

Date

**A résumé or list of qualifications and experience is required but cannot replace this application form**.

PLEASE RETURN THIS COMPLETED FORM TO:

Charlotte County Board of County Commissioners
Attn: Executive Assistants
18500 Murdock Circle
Port Charlotte, FL 33948

OR EMAIL TO:

Assistant@CharlotteCountyFL.gov


**Please be advised that all information contained in this application becomes Public Record once submitted to Charlotte County.**
**Form revised on Wednesday, May 02, 2018**

# GARY BUTLER

900 W. Marion Ave.
Punta Gorda, FL 33950

Mobile: 214-415-3958
gbutler@militaryheritagemuseum.org

**RELATED EXPERIENCES:** Twenty-five years (25) of non-profit executive leadership including serving as executive director of four (4) agencies with budgets ranging from $350,000 to $4,000,000**.** Working with the volunteers of each agency, formulated, and executed transformational strategies that focused on mission, vision and operational performance. Consistently exceeded all key growth objectives. Directly responsible for executing fundraising campaigns throughout career including a full-time position as development officer. Successfully led multiple capital campaigns including $2.5 million campaign for new service center. Prolific grant writer and BSA national subject matter expert and instructor on grant management. As BSA national director of affiliate operations and later Chief Operating Officer, responsible for the performance of 900,000 plus volunteers and 4500 employees working within 110,000 program sites and 280 affiliates. Provided direct leadership to the executive-director of the National Scouting Museum, working directly on museum strategy, budget, programs, and fiscal management. Rich, extensive experience in community outreach, property management, fundraising, grant and fiscal management, marketing and communications, human resources, technology, strategy and performance management, youth and adult programing, and organization development.

**CAREER HISTORY SUMMARY:** Over forty years of service with volunteer intensive non-profit agencies including the Boy Scouts of America, YMCA, and Military Heritage Museum. Successful work in field service led to significant leadership roles at the national level of the Boy Scouts of America. Served as the interim Executive Regional Director of the Charlotte County Family YMCA Association - a large non-profit organization with eight unique program facilities including three childcare centers. Currently serve as Executive Director of the Military Heritage Museum leading the Museum's successful relocation and transformation.

## SELECTED MISSION-FOCUSED ACCOMPLISHMENTS

- **Strategic & Innovative Leadership:** Led the design and implementation of nation-wide net promoter score initiative designed to measure volunteer, client, community partner, and parent engagement levels. Initiated and led enterprise-wide strategies and projects including Performance Management System, business intelligence team, enterprise-wide net promoter score, Scouting University for employees and volunteers, sourcing solutions, and employee engagement initiative. Implemented national member care center and learning management processes and systems. Provided direct oversight to the National Scouting Museum leadership, facilitating development of the museum's 2014-2019 strategic plan.
- **Operational Excellence through Project Management:** Effectively utilized best practices from both for-profit and non-profit sectors in designing and implementing project-based continuous improvement. Examples include the implementation of member experience mapping, lean six sigma, agile methodology and design thinking. Led the relocation, expansion, and transformation projects for the Military Heritage Museum. Implemented strategic, operational planning and communication systems for affiliates and national departments to ensure integration with BSA national vision and strategic plan.
- **Results Driven**: From 2001 to 2005 served as **CEO** of metro-sized Greater Niagara Frontier Council (affiliate). ***During that period, increased membership market share by .5%*** compared to BSA national average of -11.7%. ***Increased membership by 3.4%*** compared to the BSA average of -5.4%. ***Increased revenue by 41%*** compared to BSA average of 6%.
- **Strategy Execution:** With a focus on the "visitor experience", developed and led the successful implemented of the Military Heritage Museum's business and strategic plans. Despite the pandemic, the Museum has evolved into a major destination attraction in southwest Florida. Actual results to date have exceeded original pre-opening projections. As interim Executive Regional Director of Charlotte County Family YMCA (2016-2017) exceeded required performance results including a 40% increase in childcare enrollment during tenure.

## Career Track

**Executive Director, Military Heritage Museum……..……..….2018 -**
Responsible for day-to-day operations of the Museum. Starting in 2018. led project team to redesign and relocate the Museum to its new stand-alone facility. Raised over $600,000 in capital funds to aid in the location. Museum is now considered a major attraction in Southwest Florida with expected revenue in 2022 of $700,000 or higher compared to $250,000 in average annual revenue in previous location.

**Chief Operating Officer /Deputy Chief Scout Executive ……..……..…….……..….2013-2016**
As Chief Operating Officer of the national office of the Boy Scouts of America, charged with leading the overall development, delivery and support of all of Scouting's programs, its 280 local councils (affiliates), and three (3) national high adventure bases. Functional accountability includes four (4) field service regions, marketing and communications, human resources and training, technology, strategy and performance management, program development teams, and facilities.

**Assistant Chief Scout Executive - Field Service Operations ….....……..…..……2009-2013**
Responsible for all BSA field service operations. Charged with the strategy formulation, delivery, and support of all BSA affiliate services including 900,000 field service volunteers and 8,000 field service employees.

**Council Solutions Group Director…….……...…2008-2009**
Charged with design and implementation of BSA's organization-transformation recommendations from 2008 McKinsey study. Designed and implemented the BSA's first ever enterprise-wide volunteer and staff performance management initiative.

**Finance Support Division Director.…….……..……...2005-2008**
Charged with design and implementation of fundraising, business development, fiscal management, and board development strategies with an emphasis on positively impacting the financial acumen and performance of all BSA's 280 affiliates. Led the curriculum development of, as well as instructed, the BSA's first field service director certification program.

**Executive Director (Territory Field Service Manager); ……. 1992-2005**
Served in the role as field service territory manager providing leadership over three (3) different BSA affiliates. Successfully worked with volunteer executive boards in developing and executing a growth-focused strategic plan. Charged with volunteer recruiting and management, business development, fundraising. and client-impact which required extensive knowledge of assigned communities, demographics and local networks.

## EDUCATION • HONORS • ACTIVITIES

**Providence College, Providence, RI:** BA in Political Science

**Professional Certificates:** Strategic Management, Operations Management, Project Management, Design Thinking & Innovation

**Current Certifications:** Level 2 clearance with Florida Department of Children and Families, American Heart Association CPR and First Aid Training, Transportation Workers Identification Credential

**Recognition**: Distinguished Learning for Life Award, Distinguished Eagle Scout, Eagle Scout, Vigil Honor

**Volunteer and Association Experience:** Currently member – Charlotte County Tourist Development Council and treasurer of the Punta Gorda Historical Society. Prior experiences included member of National Human Services Assembly, Washington DC; Co-chairman and founder, Western New York Not-for-Profit CEO Peer Leadership Institute; Executive Vice President, Agency Executives Association; President, Kingston against Drugs Foundation; national instructor on grant writing

**Community Involvement History:** member, Equine Therapy for Heroes; Scouting volunteer leader (10 years), Kiwanis, Big Brothers Big Sisters, foster parent, religious instructor

January 10, 2023

The Honorable Lynne Matthews
Mayor of the City of Punta Gorda
326 West Marion Avenue
Punta Gorda, Florida 33950

Dear Mayor Matthews,

At the Charlotte County Board of County Commissioners' Regular meeting of January 10, 2023, the Board of County Commissioners approved the recommendation of Gary P. Butler to serve as Charlotte County's representative on the Punta Gorda Community Redevelopment Agency (C.R.A.).

We are aware of the need to have this position confirmed as soon as possible and would ask the City Council/C.R.A. members to consider our recommendation of Gary P. Butler who will serve for William Dryburgh's unexpired term and will expire on January 1, 2024.

Thank you,

William G. Truex, Chair
Charlotte County Board
of County Commissioners

/jms

cc: The Honorable Board of County Commissioners
The Honorable City Council Members
Mr. Gary P. Butler

23-03

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**BOARDS / COMMITTEES**

| | |
|---|---|
| **Title:** | **Announcement of Vacancies**: Board of Zoning Appeals (1 regular and 2 alternates) |
| **Funds:** | Not applicable. |
| **Recommended Action:** | Staff recommends City Council announce the continuing vacancies. |
| **Summary:** | At their regular meeting on August 24, 2022, City Council appointed Ms. Margeaux McCarthy to fill a regular seat on the Board; however, after receiving the appointment notification letter, Ms. McCarthy contacted the City Clerk's Office to say she was no longer able to serve due to a new medical issue. The appointment will be for the unexpired term until October 1, 2025.<br>Mr. John Bothwell resigned his alternate seat, effectively immediately, and Mr. Mike Merolla moved up from an alternate seat to a regular seat, thereby creating two vacancies for alternates. The appointments will be for 3-year terms until October 17, 2024.<br>There are no eligible applicants at this time.<br>**Board of Zoning Appeals** - Meets monthly on the 4th Tuesday at 4:00 p.m. in City Council Chambers. City residency required. Seven-member board with two alternate members. Three-year terms. Maximum of three terms OR partial term plus two more terms. Financial disclosure required. Makes recommendations to City Council on variances to City Code. |
| **Department/Division:** | City Clerk |

**EXHIBITS:**

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**BOARDS / COMMITTEES**

| | |
|---|---|
| **Title:** | **Announcement of Vacancies**: Code Enforcement Board (2 regular and 2 alternates) |
| **Funds:** | Not applicable. |
| **Recommended Action:** | Staff recommends City Council announce the continuing vacancies. |
| **Summary:** | Mr. Paul Sacilotto's term expired on September 18, 2022. At their September 7, 2022, meeting, City Council rejected Mr. Sacilotto's nomination. Therefore, the vacancy for that regular seat is being continued.<br>Ms. Nora Giardina has indicated she will be resigning effective January 31, 2023, creating a vacancy for the unexpired term until August 6, 2024.<br>There are also currently two vacancies for alternates. One appointment will be for an unexpired term until October 17, 2024, and the other will be for a three-year term with an ending date to be determined.<br>There are no eligible applicants at this time.<br>**Code Enforcement Board** - Meets monthly on the fourth Wednesday at 9:00 a.m. in City Council Chambers. Must be City resident. Seven-member board with two alternate members. Three-year terms. Maximum of three terms OR partial term plus 2 more terms. Financial disclosure required.<br>Hears and decides alleged violations of the City Code. |
| **Department/Division:** | City Clerk |

**EXHIBITS:**

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**BOARDS / COMMITTEES**

**Title:** **Announcement of Vacancies:** Historic Preservation Advisory Board (2 alternates)

**Funds:** Not applicable.

**Recommended Action:** Staff recommends City Council announce the continuing vacancies.

**Summary:** Mr. David Perry moved up to a regular seat, leaving a vacancy for an alternate. The appointment will be for the remainder of the unexpired term until December 16, 2024.
Ms. Jacqueline Pashko has also moved up to a regular seat, leaving a vacancy for an alternate. The appointment will be for the remainder of the unexpired term until September 17, 2023.
**Historic Preservation Advisory Board (HPAB)** – Meets the fourth Thursday at 9:00 a.m. in City Council Chambers. Seven-member board with two alternate members. Three-year terms. Maximum of three terms. Members of the Board shall be residents, property and/or business owners of the City of Punta Gorda except up to one member may be a resident, property and/or business owner of Charlotte County. Appointment of members shall be made by City Council on the basis of experience or interest in the fields of architecture, general contracting, finance/banking, real estate, law, history, historic preservation, archeology or any other related profession.
Identifies for the City Council historically significant structures and sites that should be considered for designation as a “Local Historic Landmark” or be nominated for listing on the Florida Master Site File and the National Register of Historic Places. Makes recommendations of the policies for the protection of historically significant structures and sites. Makes recommendations to staff with regard to certificates of appropriateness for any demolition, variance, sign or relocation of structures. Promotes public awareness of historic archaeological preservation and its community benefits.

**Department/Division:** City Clerk

**EXHIBITS:**

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**BOARDS / COMMITTEES**

| | |
|---|---|
| **Title:** | **Announcement of Vacancies:** Planning Commission (1 alternate) |
| **Funds:** | Not applicable. |
| **Recommended Action:** | Staff recommends City Council announce the continuing vacancy. |
| **Summary:** | Mr. Tom Weekes resigned his seat as an alternate. The appointment will be for the unexpired term until May 19, 2025.<br>**Planning Commission** – Meets the 4th Monday at 2:00 p.m. in City Council Chambers. Must be City resident. Seven-member board with two alternate members. Three-year terms. Maximum of three terms OR partial term plus 2 more terms. Financial Disclosure required.<br>Makes recommendations to City Council with regard to amending, extending or adding to the Comprehensive Plan for the physical development of the City, platting or subdividing land within the City and adopting and amending a zoning ordinance; hears petitions for Special Exceptions. |
| **Department/Division:** | City Clerk |

**EXHIBITS:**

1. Weekes Resignation

## Karen Smith

**From:** webmaster@cityofpuntagordafl.com on behalf of City of Punta Gorda, FL <webmaster@cityofpuntagordafl.com>
**Sent:** Wednesday, October 19, 2022 1:10 PM
**To:** Karen Smith
**Subject:** [EXTERNAL] Planning Commission

**MESSAGE FROM AN EXTERNAL SENDER: Please use caution when opening attachments, clicking links, or replying to this message.**

Message submitted from the <City of Punta Gorda, FL> website.

**Site Visitor Name:** Tom Weekes
**Site Visitor Email:** tomweekes@earthlink.net

Karen,
Please accept my resignation as an alternate effective immediatly.

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**BOARDS / COMMITTEES**

| | |
|---|---|
| **Title:** | **Announcement of Vacancies:** Punta Gorda Isles Canal Advisory Committee |
| **Funds:** | Not applicable. |
| **Recommended Action:** | Staff recommends City Council announce the vacancy. |
| **Summary:** | Mr. Robert Knabe's term will expire on March 15, 2023. He is eligible for reappointment.<br>The appointment will be for a three-year term until March 15, 2026.<br>**Punta Gorda Isles Canal Advisory Committee (PGI CAC)** – Meets the third Monday at 1:30 p.m. in City Council Chambers. Must be a resident of Punta Gorda Isles Canal Maintenance District. Seven-member board. Three-year terms Maximum of three terms. Financial disclosure required. Makes recommendations to City Council on effective maintenance of existing canals, waterways and navigable channels within the district, together with the maintenance and reconstruction of seawalls. Holds public hearings and makes final decision on petitions for Canal Construction Special Permit. |
| **Department/Division:** | City Clerk |

**EXHIBITS:**

**CITY COUNCIL & COMMUNITY REDEVELOPMENT AGENCY**
**CITY OF PUNTA GORDA**
**02/ 1/2023**

**BOARDS / COMMITTEES**

**Title:** **Announcement of Vacancies:** Utility Advisory Board

**Funds:** Not applicable.

**Recommended Action:** Staff recommends City Council announce the vacancy.

**Summary:** Mr. George Ruchti's term will expire on March 21, 2023. He is eligible for reappointment.
The appointment will be for a three-year term until March 21, 2026.

**Utility Advisory Board (UAB)** – Meets the fourth Monday at 9:00 a.m. in City Council Chambers. Must be City resident. Seven-member board. Three-year terms. Maximum of three terms.
Makes recommendations to City Council with regard to, but not limited to, revisions to the utility construction standards, alleged billing discrepancies and review of utility drawings and specifications.

**Department/Division:** City Clerk

**EXHIBITS:**