



**City of North Port**  
**PARKS & RECREATION DEPARTMENT**  
(941) 429-PARK (7275)  
www.cityofnorthport.com/parksandrecreation


**MEMORANDUM**

CITY MANAGER'S OFFICE

NOV - 5 2018

CITY OF NORTH PORT

TO: Peter D. Lear, City Manager

FROM: Sandy Pfundheller, Director 

SUBJECT: TGW Engineering, Inc. Amendment No. 4 to Agreement 2005-05

DATE: November 5, 2018

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Per Commission direction on May 3, 2018, Commission approved Amendment No. 4 "conditioned upon a thorough archaeological study finding nothing within the proposed pathway, and to have an Environmental Person work alongside the archaeological study to determine both at the same time. The motion carried 4 to 0 with Commissioner Hanks absent."

Staff issued a request for quotation for a Cultural Resource Field Assessment Survey and awarded this work to Carndo Environmental Consulting on July 27.

This survey was completed on August 31; Cardno's findings indicated that no further cultural resource work is recommended in association with the proposed development of the Myakkahatchee Creek Greenway and the proposed Greenway does not appear to have an impact on any significant historical site, and these findings were submitted to the State Historic Preservation Office (SHPO).

On October 31 the City received a response from SHPO finding the report complete and sufficient in accordance with Chapter IA-46, Florida Administrative Code.

With the report being complete, and the SHPO requesting no additional information, Parks & Recreation is requesting that you execute Amendment No. 4 to Agreement 2005-05 between the City and TGW Engineering, Inc. for the Myakkahatchee Creek Trail project.

Please let me know if you have any questions.

Attachments Amendment No. 4, 2005-05 TGW Engineering, Inc.  
SHPO Concurrence Letter  
Cultural Resource Assessment Survey Executive Summary  
Item #47 Response  
Commission Meeting Minutes, 5/3/18





CITY OF NORTH PORT



CONTRACT/AGREEMENT AMENDMENT FORM

Amendment No.: 4

City's Contract No./ Agreement No.: 2005-05 Commission Meeting Date: April 24, 2018

Project Name: Myakkahatchee Creek Greenway Nature Trail, Phase One

Originating Department/Division: General Services / Parks & Recreation

Contractor: TGW Engineering, Inc.

Amendment required as a result of:

- Changed/Unforeseen Conditions Errors and Omissions Change in Scope
Time Extension/Deletion Change in Price (+/-) X Owner's Request

Explanation of Request (What is changing? Include effect on completion time):

Update the 2013 final construction plans to current building code, to allow for construction of the Myakkahatchee Creek Greenway Nature Trail.

Reason for Amendment (Why is it changing?):

Due to a dispute over the Developer Contribution amount, this project was placed on hold by the City Manager's Office. This issue with the Developer's Contribution is resolved, and this project is now ready to move forward to construction. In order to do so, the construction plans need to be reviewed and updated to current building code. A request for bid will follow the construction plan update.

Attachments (list documents supporting change):

- Agreement 2005-05 Summary
Agreement 2005-05
Agreement 2005-05, Amendment #1
Agreement 2005-05, Amendment #2
Agreement 2005-05, Amendment #3
Agreement 2005-05, Amendment #4

Table with 3 columns: Account Number, Project, Amount. Row 1: 306-3036-572-63.-00, P10MCG, \$ 14,550

CHANGE IN CONTRACT PRICE				CONTINGENCY FUNDS	
Original Contract Amount:	\$178,616			Use of Contingency Funds?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Previous Amendment/Change Orders:	# 1	to # 3		Original Contingency Amount:	\$14,275
Approved Amount:	Amend	\$63,045		Approved Use of Contingency Amount:	\$8,086
Amendments/Change Orders	CO			Increase/(Decrease):	\$0
Current Contract Price:	\$241,661			Contingency Balance:	\$6,189
This Change Add/(Deduct):	\$14,550				
Total Contract Amount w/this change (pending approval):	\$256,211				

8/8/05	8/8/06	365 days	Original (\$178,616)	Initial Execution
8/10/07	1/15/08		Amendment #1 (\$19,600/\$10,000)	Trail Design Services
9/27/10	12/15/10		Amendment #2 (\$22,745/\$2,275)	Additional Design Services
9/24/12	12/15/12		Amendment #3 (\$20,700/\$2,000)	Engineering Services
5/8/18	6/30/18		Amendment #4 (\$14,550)	Update Construction Plans
Total		365 days		
* Calendar days (not working days)				

*Please note: the calendar days above are not accurate due to the duration of this project. Each amendment started or restarted this project, and this contract was not consecutively active since the award.*

*(Sandy, Purchasing suggested the note above, wordsmith as needed)*

**SIGNATURES ON NEXT PAGE**

RECOMMENDED:

By: Thomas Walker Digitally signed by Thomas Walker  
Contractor Date: 2018.04.11 10:43:04 -04'00'  
Date

By: Debra G. P. [Signature] 4-11-18  
City Project Manager Date

APPROVED:

By: [Signature] 4/11/18  
Department Director Date

By: \_\_\_\_\_  
Budget Administrator Date

By: Ginny Duyn Digitally signed by Ginny Duyn  
Purchasing Date: 2018.04.12 11:55:23 -04'00'  
Date

By: Charlina L. Lowrie Digitally signed by Charlina L. Lowrie  
Finance Director Date: 2018.04.12 12:24:12 -04'00'  
Date

By: [Signature] 11/8/18  
Assistant City Manager Date

By: [Signature] 11-5-18  
City Manager Date

By: [Signature] 11/8/18  
City Clerk Date

By: [Signature] 11/18/2018  
City Attorney Date



Notable Project Milestones:

- 7/25/2005 Commission approved Agreement 2005-05 with TGW to perform professional services pertaining to the Myakkahatchee Greenway Master Plan for the City, for an amount not to exceed \$178,616. *Project coordinated by Planning, Zoning, and Engineering.*
- 12/11/2007 Commission adopted the complete Myakkahatchee Creek Greenway Master Plan, as presented, with funding to be appropriated at a future time, as requested.
- 7/27/2009 Commission approved the First Amendment to Agreement 2005-05 "Myakkahatchee Creek Greenway Master Plan," authorizing TGW to provide engineering services (in accordance with tasks 5 and 6) for the survey, environmental assessment, design, permit and limited construction services, of the segment of the nature trail along the east side of the Myakkahatchee Creek between Price Boulevard and Appomattox Drive, near Heron Creek development, for an amount not to exceed \$29,600. *Project coordinated by Public Works.*
- 8/4/2010 Project P10MCG – Myakkahatchee Creek Greenway Trail was created and the \$200,000 Surtax III allocation, as identified in the Capital Improvement Plan, towards construction was added to this project.
- 9/13/2010 Commission approved the Second Amendment to Agreement #2005-05 "Myakkahatchee Creek Greenway Master Plan" authorizing TGW to resurvey and perform additional environmental assessments, design and permitting for the Heron Creek Nature Trail along the east side of the Myakkahatchee Creek, between Price Boulevard and Appomattox Drive, west of Heron Creek, for an amount not to exceed \$25,020. *Project coordinated by Planning, Zoning, and Engineering.*
- 12/2/2010 Capital Improvement Plan budgeted \$150,000 towards construction, for a construction bank of \$350,000.
- 05/2011 90% design plans were completed
- 10/1/2011 Capital Improvement Plan budgeted \$150,000 towards construction, for a construction bank of \$500,000.
- 1/30/2012 Commission approved Ordinance 2011-33 regarding Petition No. NOPC-10-33, amending Ordinance 06-46, Heron Creek Notice of Proposed Change (NOPC), a revision to a previously approved Development of Regional Impact (DRI). This approval added provision 4.08 *The City of North Port will prepare plans, utilizing their consultant, for the construction of an at-grade shell, or other cost comparable pervious material, pathway within existing City-owned right-of-way along the eastern bank of the Myakkahatchee Creek, from Appomattox Drive to Price Boulevard. These plans will be utilized by the City for the purpose of permitting the pedestrian/bicycle trail through appropriate regulatory agencies as well as for a Major Site and Development Plan Approval by the City. Within 120 days after Major Site and Development Plan Approval by the City, the applicant shall commence construction of the pathway as described above; or should the City elect to construct the pathway, the applicant shall provide funding that is cost comparable to the construction of an at-grade shell pathway. Should the City elect to construct the pathway other than at-grade or utilizing material other than pervious shell, the City shall be responsible for providing funding above the Applicant's contribution as described above.* *Project coordinated by Public Works.*
- 9/10/2012 Commission approved Amendment No. 3 to Agreement 2005-05 between the City and TGW for professional engineering, design, and permitting services to complete this project for the Myakkahatchee Creek Greenway Nature Trail, Phase 1 from Appomattox Drive to

Price Boulevard, for an amount not to exceed \$22,700. *Project coordinated by Public Works.*

10/1/2013 Capital Improvement Plan budgeted \$463,765 towards construction, for a construction bank of \$963,765.

12/14/2013 TGW submitted the 100% construction plans for the Myakkahatchee Creek Greenway Nature Trail to the City.

10/1/2014 Capital Improvement Plan budgeted \$461,240 towards construction, for a construction bank of \$1,425,005.

6/27/2017 Marsh Creek Holding, Ltd, as developer of the Heron Creek Development of Regional Impact entered into an agreement with the City for the required developer contribution of \$141,646 to offset the construction cost of the at-grade shell pedestrian/bicycle pathway consistent with development order (Ordinance) 2011-33, adopted January 30, 2012. Payment in full is due no later than June 27, 2018. *Project coordinated by Assistant City Manager.*

11/2017 The Assistant City Manager assigned this project to the General Services Department and the City's Project Manager to work with TGW and develop the scope to update the 2013 trail plans to meet the current building codes and confirm that the project is in compliance with current SWFWMD requirements.

11/2017-12-2017 Staff review of project, amendments, funding, and historical data.

1/9/18 The City's Project Manager requested TGW Engineering develop a scope of services to update the 2013 construction plans to current building code and SWFWMD requirement.

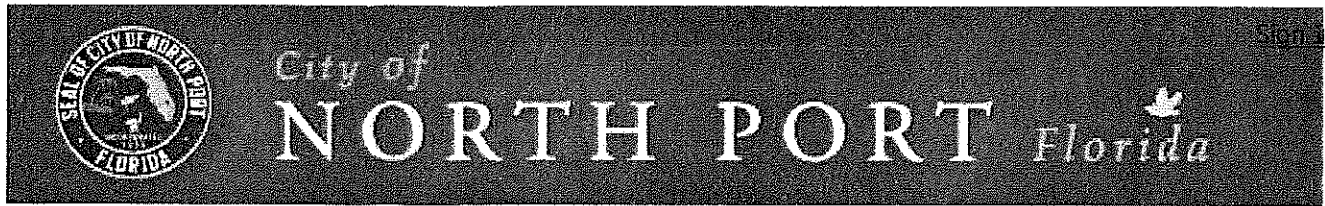
2/2/18 Staff received the preliminary scope of services from TGW and upon review, staff made several comments, and requested a revised scope of services.

2/15/18 Staff received a revised scope of services from TGW Engineering and requested minor clarifications be incorporated in the scope of services.

3/15/18 Staff received the final scope of services from TGW Engineering. Amendment No. 4 authorizes TGW to update the design and prepare construction ready plans. It is estimated that the construction plans, and revised Engineer's Opinion of Probable cost will be completed within six weeks from notice to proceed. Upon confirmation of available budget, staff intends to submit a request for bid for construction later this fiscal year.

4/24/2018 Agenda item requesting Commission approval of Amendment No. 4 to Agreement No. 2005-05 between the City of North Port and TGW Engineering, Inc. (TGW) to update the 2013 construction plans for the Myakkahatchee Creek Greenway Nature Trail in accordance with the City-approved Myakkahatchee Creek Greenway Master Plan in the amount of \$18,550, which includes a contingency amount of up to \$4,000, for a total contract amount of \$274,486.





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File #: 18-209    Version: 1    Name:

Type: Action Item    Status: Consent Agenda

File created: 3/27/2018    In control: [City Commission](#)  
[Regular Meeting](#)

On agenda: 4/24/2018    Final action:

Title: Amendment No. 4 to Agreement No. 2005-05 between the City of North Port and TGW Engineering, Inc. to update the 2013 construction plans for the Myakkahatchee Creek Greenway Nature Trail in accordance with the City-approved Myakkahatchee Creek Greenway Master Plan in the amount of \$14,550, for a total contract amount of \$270,486, and also authorize a contingency amount of up to \$4,000.

Sponsors: [Cheryl Greiner](#)

Attachments: 1. [Notable Project Milestones](#), 2. [2005-05 Agreement, Myakkahatchee Creek Greenway \\$178,616](#), 3. [2005-05 Amendment #1 \\$29,600](#), 4. [2005-05 Amendment #2 \\$25,020](#), 5. [2005-05 Amendment #3 \\$22,700](#), 6. [2005-05 Amendment #4 \\$14,550](#), 7. [2005-05 Amendment #4 form](#), 8. [2017 - Marsh Creek Holdings Ltd Developer's Agreement, Ordinance 2013-16, Ordinance 2011-33](#), 9. [Myakkahatchee Creek Greenway Nature Trail Map](#), 10. [2007 Myakkahatchee Creek Greenway Master Plan](#), 11. [Capital Improvement Plan - P10MCG](#), 12. [Florida Division of Corporations document](#)

History (0)    Staff Summary

TO: Honorable Mayor & Members of the North Port Commission

FROM: Peter D. Lear, CPA, CGMA, City Manager

TITLE: Amendment No. 4 to Agreement No. 2005-05 between the City of North Port and TGW Engineering, Inc. to update the 2013 construction plans for the Myakkahatchee Creek Greenway Nature Trail in accordance with the City-approved Myakkahatchee Creek Greenway Master Plan in the amount of \$14,550, for a total contract amount of \$270,486, and also authorize a contingency amount of up to \$4,000.

**Recommended Action**

Commission approve Amendment No. 4 to Agreement No. 2005-05 between the City of North Port and TGW Engineering, Inc. (TGW) to update the 2013 construction plans for the Myakkahatchee Creek Greenway Nature Trail in accordance with the City-approved Myakkahatchee Creek Greenway Master Plan in the amount of \$14,550, for a total contract amount of \$270,486 and also authorize a contingency amount of up to \$4,000.

**Background Information**

In 2005, Commission approved Agreement No. 2005-05 with TGW to develop the Myakkahatchee Creek Greenway Master Plan. At the December 11, 2007 meeting, Commission adopted the Myakkahatchee Creek Greenway Master Plan, as presented, with funding to be appropriated at a future time.

At the July 27, 2009 meeting, Commission approved Amendment No. 1 to Agreement No. 2005-05 with TGW to design the Myakkahatchee Creek Greenway Nature Trail. Through the annual Capital Improvement Program process, staff continued to budget for construction of this pedestrian/bicycle nature trail. This project currently has \$1,425,005 allocated from Surtax III appropriations.

At the January 30, 2012 Commission meeting, Ordinance 2011-33 was approved modifying the development order for Heron Creek, adding provision 4.08 *The City of North Port will prepare plans, utilizing their consultant, for the construction of an at-grade shell, or other cost comparable pervious material, pathway within existing City-owned right-of-way along the eastern bank of the Myakkahatchee Creek, from Appomattox Drive to Price Boulevard. These plans will be utilized by the City for the purpose of permitting the pedestrian/bicycle trail through appropriate regulatory agencies as well as for a Major Site and Development Plan Approval by the City. Within 120 days after Major Site and Development Plan Approval by the City, the applicant shall commence construction of the pathway as described above; or should the City elect to construct the pathway, the applicant shall provide funding that is cost comparable to the construction of an at-grade shell pathway. Should the City elect to construct the pathway other than at-grade or utilizing material other than pervious shell, the City shall be responsible for providing funding above the Applicant's contribution as described above.*

TGW submitted the 100% construction plans for the Myakkahatchee Creek Greenway Nature Trail to the City in December 2013.

Staff direction was to move forward constructing the trail, with the developer contributing the cost of an at-grade shell pathway, per the development order. The original cost was estimated based on quantities of material needed for a shell pathway. As a result of a disagreement related to the trail design, the construction portion of this project was placed on hold until a resolution was reached with Marsh Creek Holdings regarding the required monetary contribution, per the development order.

At the June 27, 2017 Commission meeting, the City Manager's Office presented a revised development order, which was approved by Commission, with a modified developer contribution amount of \$141,646, due, in full, no later than June 27, 2018. As staff prepared this agenda item, revenues received by the City do not reflect this payment posting as yet. Staff has reached out to the developer and will update as information is received.

In November 2017, the City Manager's Office released this project to the General Services Department and City's Project Manager to work with TGW and develop the scope to update the 2013 trail plans to meet the current building codes. Amendment No. 4 authorizes TGW to update the design and prepare construction ready plans. It is estimated that the construction plans, and revised Engineer's Opinion of Probable cost will be completed within six weeks from notice to proceed. Upon confirmation of available budget, staff intends to submit a request for bid for construction later this fiscal year.

## **Strategic Plan**

Environmental and Natural Resources

## **Financial Impact**

Project P10MCG, Myakkahatchee Creek Greenway Nature Trail, is funded at \$1,425,005 utilizing Surtax III allocations; and a developer contribution of \$141,646 is anticipated in June 2018, from Marsh Creek Holding, LTD.

Below is a summary of Amendments for Agreement No. 2005-05:

Agreement No. 2005-05	\$178,616	7/25/2005	Myakkahatchee Creek Master Plan
Amendment #1	\$ 29,600	7/27/2009	Design Services, Heron Creek Nature Trail

Amendment #2	\$ 25,020	9/13/2010	Additional Design Services, Heron Creek Nature Trail
Amendment #3	\$ 22,700	9/10/2012	Engineering Services, Heron Creek Nature Trail
Amendment #4	\$ 14,550	4/24/2018	Update Construction document, Heron Creek Nature Trail
	<u>\$270,486</u>		

### Procurement

Amendment No. 4 to Agreement No. 2005-05 for the Myakkahatchee Creek Greenway Master Plan, between the City of North Port, and TGW Engineering, Inc. in the amount of \$14,550 for a revised total contract amount of \$270,486, is currently funded through the Capital Improvement Program, utilizing Surtax III allocations.

TGW Engineering, Inc.  
5104 N. Lockwood Ridge Road, Suite #207-D  
Sarasota, FL 34234-3311

### Attachments:

1. Notable Project Milestones
2. 2005-05 Agreement, Myakkahatchee Creek Greenway, \$178,616
3. 2005-05 Amendment #1, \$29,600
4. 2005-05 Amendment #2, \$25,020
5. 2005-05 Amendment #3, \$22,700
6. 2005-05 Amendment #4, \$14,550
7. 2005-05 Amendment #4 form
8. 2017 - Marsh Creek Holdings Ltd Developer's Agreement, Ordinance 2013-16, Ordinance 2011-33
9. Myakkahatchee Creek Greenway Nature Trail Map
10. 2007 Myakkahatchee Creek Greenway Master Plan
11. Capital Improvement Plan - P10MCG
12. Florida Division of Corporations document

**Prepared by:** Cheryl Greiner

**Department Director:** Sandy Pfundheller



**Work Amendment 4 to Agreement 2005-05  
Between  
City of North Port and TGW Engineering, Inc.**

**Engineering Services for Myakkahatchee Creek Greenway Nature Trail  
Phase 1  
From Appomattox Drive to Price Boulevard**

*This is an amendment to Agreement 2005-05 to provide additional services to update design documents to allow bidding of a portion of the Greenway Trail in accordance with the City-approved Master Plan. The nature trail segment to be Engineered under this Amendment is to be within the confines of the watershed between Price Boulevard and Appomattox Drive, along the eastern side of the natural waterway. The City and TGW Engineering (Engineer) agree to the scope of services, schedule, and budget presented herein.*

**Section 1 - SCOPE OF SERVICES**

To complete the work products in order to begin construction of Heron's Creek Trail (Myakkahatchee Creek Greenway Nature Trail - Phase 1), the following work tasks are to be performed by the Engineer.

**TASK 1 - Update Final Construction Plans and Specifications**

The Engineer completed the final plans and specs for the City in 2012. The City is now planning to construct the project and needs the Engineer to update the documents to applicable codes and conditions. The Engineer shall prepare the plans on Consultant title-blocks and provide Florida Registered Professional Engineer signed and sealed certifications of the plans. The Engineer shall update the documents, as needed, to conform with:

- The 2017 Florida Building Code requirements.
  - o Building, Sixth Edition. Chapter 16 - Structural Design has been revised to include new wind load criteria and analysis. This new criteria will be analyzed for potential changes to the elevated boardwalk.
  - o Accessibility, Sixth Edition. This Code will be reviewed for modifications that may be required for access changes to the trailway sidewalk connections in compliance with A.D.A./Florida Accessibility Code where applicable.
  
- The July 2017 FDOT Road and Bridge Construction Specifications, signed/sealed design updates will be referenced. The FDOT Design Standards FY 2017-18 index sheet updates with new title blocks will be downloaded from FDOT Design Center and inserted into the updated set of plans.

### **TASK 2 - Update Estimate of Construction Costs for Project**

The cost estimates for the four pricing options for the project are nearly five years old. Price indices have experienced inflation as a result increased demand. The local construction market conditions are busy and running at full capacity. The cost estimates need to be updated to help establish a current budget for the project.

The Engineer shall review 2017-18 cost indices and local bids on similar construction projects. Updated cost estimates for each of the four options shall be developed and provided by the Engineer to the City.

### **TASK 3 - Bidding Services**

The Engineer shall update the bid form, as needed, with itemized pay item quantities. The Engineer shall attend the prebid meeting with City and contractors; following the meeting, the Engineer shall address contractor questions regarding plans and specifications via addendum prior to bid award. After bid award, the Engineer shall conform the plans and specifications for the City to include in final contract documents for use during construction by the City and selected Contractor.

The following services are not included in this work amendment:

- Permit application fees (contractor or City to pay building permit fees)
- Boundary & Topographical Surveying. (Prior data available)
- Geotechnical services (Prior data available)
- Gopher Tortoise relocation services
- Permitting services - US Army Corps or SWFWMD
- Construction inspection and general services (may be authorized at a later date for Engineer-of-Record services, as conditioned by SWFWMD permit).

In addition, it is understood that the City has no changes to the plans other than required by the FBC update changes referenced in the above scope of services.

### **Deliverables:**

1. Updated final plans, specifications and bid form (5 hard copies for City staff, PDF, Word, Excel and ACAD digital files).
2. Engineer's Cost Estimate of Construction (5 hard copies and Excel/PDF digital files).
3. Prebid meeting agenda, minutes of meeting, and addenda backup information.
4. Conformed documents in digital format for inclusion in City contract documents (5 hard copies and PDF/ACAD digital files).

## **Section 2 - PROJECT SCHEDULE**

TGW Engineering shall perform task assignments in a timely manner. The services shall commence upon Notice to Proceed (NTP) being issued by the City of North Port and complete the given tasks in the timeframe stated below:

*Task 1 and 2-* within 6 weeks from NTP.

*Task 3-* Upon advertisement for bids for the Project, Engineer shall be available to provide these services.

## **Section 3 - COMPENSATION FOR SERVICES**

For services provided in accordance with this scope of services, TGW Engineering shall invoice every 30 days based upon a percentage of work completed. The budget has been prepared in accordance with the scope of services presented above. An upper limit amount of *\$14,550* is herein established for this project amendment, as shown on **Table 1**.

## **Section 4 - CITY'S RESPONSIBILITIES**

4.1 Designate City representative who shall have authority with respect to Engineer's services for the project.

4.2 Any environmental assessments or audits, which may be relevant to this project. If asbestos or other hazardous materials are identified during the Project, City shall provide necessary services for material handling and removal.

4.3 Provide, as may be required for the Project, accounting, financial and/or legal services.

4.4 Permits will be in the City's name and all permit application fees will be the responsibility of the City.

4.5 Arrange for access to and make all provisions for ENGINEER to enter upon public and private property, as required for performance of services.

## **Section 5 - GENERAL CONSIDERATIONS**

5.1 Termination of this Amendment can be exercised by either party, upon thirty days' written notice, in the event of substantial failure by the other party to perform in accordance with the terms herein, through no fault of the terminating party.

5.2 At any time during the life of this Amendment should any substance be uncovered or encountered at the site that would void or otherwise adversely impact the Engineer's professional liability insurance, the Engineer reserves the right to renegotiate the terms and conditions of this Amendment.

5.3 This Amendment (consisting of Pages 1-5) inclusive constitutes the complete work assignment. This Amendment may only be amended, supplemented or canceled by a duly executed written instrument.

5.4 The CITY and Engineer agree that the scope of service and budget for Tasks will cover the preparation and production of the updated plans and specifications for bidding purposes as understood based upon current knowledge of codes that have changed since the documents were completed in 2013. If the City requires or desires the Engineer to make additional changes or additions to the documents, additional funding for these additional Engineering services will be required with written agreement by the City and Engineer.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to be effective as of the date below.

CITY OF NORTH PORT:

TGW ENGINEERING, INC:

By: 

By: \_\_\_\_\_  
Thomas G. Walker, President

Date: 11-16-18

Date: \_\_\_\_\_



Table 1 - Project Budget for Amendment 4

<i>Task</i>	<i>Hours</i>	<i>Cost</i>
<i>1. Update Final Construction Plans and Specifications</i>	<i>48</i>	<i>\$7,200</i>
<i>2. Update Estimate of Construction Costs for Project</i>	<i>16</i>	<i>2,800</i>
<i>3. Provide Bidding Assistance</i>	<i>24</i>	<i>4,300</i>
<i>Direct Expenses (Production and mileage)</i>		<i>250</i>
<i>Budget</i>		<i>\$14,550</i>
<i>Cost for Amendment 4</i>		

Scrutinized Company Certification Form

Company Name: TGW Engineering  
Authorized Representative Name and Title: Thomas Walker, President  
Address: 5104 N. Lockwood City: Sarasota State: FL ZIP: 34234  
Ridge Rd.  
Phone Number: 941/724-9853 Email Address: tom@tgw1.com


A company is ineligible to, and may not, bid on, submit a proposal for, or enter into or renew a contract with the City of North Port for goods or services of any amount if, at the time of bidding on, submitting a proposal for, or entering into or renewing such contract, the company is on the Scrutinized Companies that Boycott Israel List, created pursuant to Florida Statutes, section 215.4725, or is engaged in a boycott of Israel.

A company is ineligible to, and may not, bid on, submit a proposal for, or enter into or renew a contract with the City of North Port for goods or services of \$1 million or more if, at the time of bidding on, submitting a proposal for, or entering into or renewing such contract, the company is on the Scrutinized Companies with Activities in Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, created pursuant to Florida Statutes, section 215.473, or with companies engaged in business operations in Cuba or Syria.

**CHOOSE ONE OF THE FOLLOWING**

- This bid, proposal, contract or contract renewal is for goods or services of less than \$1 million. As the person authorized to sign on behalf of the above-named company, and as required by Florida Statutes, section 287.135(5), I hereby certify that the above-named company is not participating in a boycott of Israel.
- This bid, proposal, contract or contract renewal is for goods or services of \$1 million or more. As the person authorized to sign on behalf of the above-named company, and as required by Florida Statutes, section 287.135(5), I hereby certify that the above-named company is not participating in a boycott of Israel, is not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, and it does not have business operations in Cuba or Syria.

I understand that pursuant to Florida Statutes, section 287.135, the submission of a false certification may result in the termination of the contract if one is entered into, and may subject the above-named company to civil penalties, attorney's fees and costs.

Certified By:   
AUTHORIZED REPRESENTATIVE SIGNATURE

Print Name and Title: Thomas Walker, President

Date Certified: 11/6/18

Solicitation/Contract/PO Number (Completed by Purchasing): \_\_\_\_\_



**City of North Port**  
**PARKS & RECREATION DEPARTMENT**

www.cityofnorthport.com



**MEMORANDUM**

**TO:** Peter D. Lear, City Manager  
Cari Branco, Assistant City Manager

**FROM:** Sandy Pfundheller, Parks & Recreation Director *SP*

**SUBJECT:** Item #47 – Archeological and Environmental Study for Myakkahatchee Creek Greenway

**DATE:** October 5, 2018

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At the May 3, 2018 City Commission Special meeting, Amendment #4 to Agreement 2005-05 between the City of North Port and TGW Engineering was approved to update the 2013 construction plans for the Myakkahatchee Creek Greenway Nature Trail under the condition that an archaeological and environmental study be conducted on the one-mile trail section prior to the plan update. In response, staff issued a request for quotation for a Cultural Resource Field Assessment Survey and awarded the work to Cardno environmental consulting.

This survey was completed on August 31, 2018 and conducted in accordance with Florida Chapter 1A-46 Florida Administrative Code Guidelines, the National Historic Preservation Act of 1966 as amended, and the Archaeological and Historic Preservation Act of 1974, as amended. All work was performed under the direction of a registered professional archaeologist (RPA) and meets the guidelines set forth in the Historic Preservation Compliance Review Program of the Florida Department of State, Division of Historical Resources (DHR). The survey included the excavation of 78 shovel tests at 25-m intervals. No historical structures, cemeteries, bridges, or linear resources were located within the property. One shovel test was positive for prehistoric artifacts resulting in the definition of one archaeological site within the property, the *Greenway Scatter* site (8SO07076).

Based on the survey research and analysis, it is the opinion of Cardno that Site 8SO07076 is ineligible for listing in the NRHP under any criteria and no further cultural resource work is recommended in association with the proposed trail development for the Myakkahatchee Creek Greenway. In following established protocol, Cardno has submitted their findings to the Department of State, Division of Historical Resources for review and comment by the State Historic Preservation Officer (SHPO), prior to finalizing the report.

Upon receipt of the finalized report, and provided there are no concerns from the SHPO, Parks & Recreation will request the City Manager execute Amendment #4 with TGW Engineers to update the 2013 construction plans. Upon completion of the updated construction plans, the City will develop a request for bid for construction of this one-mile trail.

## 2 Executive Summary

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This survey was completed in accordance with Florida Chapter 1A-46 Florida Administrative Code Guidelines, the National Historic Preservation Act of 1966 (PL 89-665), as amended, and the Archaeological and Historic Preservation Act of 1974 (PL 93-291) as amended. All work was performed under the direction of a registered professional archaeologist (RPA). In addition, all work meets the guidelines set forth in the Historic Preservation Compliance Review Program of the Florida Department of State, Division of Historical Resources (DHR).

No historical structures, cemeteries, bridges, or linear resources were located within the property. Archaeological survey within the property boundaries included the excavation of 78 shovel tests at 25-m intervals. Of these, one shovel test was positive for prehistoric artifacts to a depth of up to 45 cmbs. This resulted in the definition of one archaeological site within the property, the Greenway Scatter site (8SO07076).

The prehistoric artifact assemblage has a limited diversity of artifacts and contains no specific diagnostics. Due to the low density nature of the deposit, the limited diversity of artifacts, the common nature of the site within the region, and the level of ground disturbance, it appears that the site as an archaeological resource is unlikely to provide additional significant information beyond the data that have been collected.

Site 8SO07076 could not be associated with a significant historical event or person and, consequently, it is recommended ineligible for nomination to the NRHP under Criterion A or B (36 CFR § 60.4 [a-d]). The artifacts do not appear to exhibit any distinctive characteristic of a type, period, or method of construction, or to represent the work of a master or possess high artistic values, and consequently the site is recommended as ineligible under Criterion C. The condition of the site is unlikely to yield information important to prehistory or history beyond that recorded during the present survey, and consequently the site is recommended as ineligible to the NRHP under Criterion D. Therefore, 8SO07076 is recommended as ineligible for listing in the NRHP under any criteria. No further cultural resource work is recommended in association with the proposed development of the Myakkahatchee Creek Greenway and the proposed Greenway does not appear to have an impact on any significant historical site.



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

Ms. Meg Stack  
Cardno, Inc.  
3905 Crescent Park Drive  
Riverview, Florida 33578

October 31, 2018

RE: DHR Project File No.: 2018-5237                      Received by DHR: October 2, 2018  
*Cultural Resource Assessment Survey for the Myakkahatchee Creek Greenway, City of North Port, Sarasota County, Florida*

Dear Ms. Stack:

We note that in August 2018, Cardno, Inc., (Cardno) conducted the above referenced Phase I cultural resource assessment survey (CRAS) on behalf of the City of North Port as due diligence. Our office proceeded to review this report with the expectation that City of North Port will be engaging in permitting processes that will require this office to comment on possible adverse impacts to cultural resources listed or eligible for listing in the *National Register of Historic Places (NRHP)*, or otherwise of historical, architectural, or archaeological significance. We recommend at the time such actions are taken, a copy of this letter be forwarded to the permitting agency(ies) with the application. This letter does not constitute a review under Section 106 of the *National Historic Preservation Act*.

Cardno recorded one (1) new archaeological site, 8SO7076, within the project area during their investigation. Cardno determined that site 8SO7076 is ineligible for NRHP listing due to limited artifact assemblage and low research potential. Cardno recommends the proposed project will have no effect on historic resources and recommends no additional work.

Based on the information provided, our office concurs that 8SO7076 is NRHP-ineligible, and we find the submitted report complete and sufficient in accordance with Chapter 1A-46, *Florida Administrative Code*. Because this project is not yet subject to permitting requirements from a state or federal agency, our office abstains from supplying a determination of effects until such time that permitting agencies (and associated permit requirements) are identified for this project. If I can be of any further help, or if you have any questions about this letter, please feel free to contact Lindsay Rothrock at [Lindsay.Rothrock@dos.myflorida.com](mailto:Lindsay.Rothrock@dos.myflorida.com).

Sincerely,

Timothy A. Parsons, Ph.D.  
Director, Division of Historical Resources  
and State Historic Preservation Officer

Division of Historical Resources  
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399  
850.245.6300 • 850.245.6436 (Fax) [FLHeritage.com](http://FLHeritage.com)





Myakkahatchee Creek east.

**PUBLIC COMMENT:**

Edie Driest, Lawry Reid, Joan Herron San Lwin, Sean Paxton: Spring Haven Drive.

Ellen Jeffers: egress from Jockey Club.

Bill Goetz: Arcadia Terrace.

Discussion continued: (1) the culvert in the wildlife corridor will only provide for the smaller animals; (2) halting the project follows the strategic plan to preserve the natural environment and Little Salt Spring; (3) concern was expressed that studies have not been done that would help with a determination of need for the extension; (3) connectivity in the neighborhoods are necessary and so is preserving the corridor; (4) concerns were expressed regarding the undeveloped lots and their inclusion in a conservation area; (5) a larger study of the City will show what connections are needed.

***A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to halt the Spring Haven Extension Drive project. The motion carried by the following vote, with Commissioner Hanks absent:***

**Yes:** 4 - Mayor Carusone, Vice-Mayor Yates, Commissioner McDowell and Commissioner Luke

Discussion continued: (1) Staff should research the area lined in red on the map and additional undeveloped lots for purchase and conservation easements; (2) the majority of funding is from transportation impact fees and that cannot be used for purchasing property; (3) monies from the Price Boulevard project include surtax funds which can be swapped, bringing available purchase funds to \$1,700,000; (4) a traffic analysis will be done at the schools and Spring Haven Drive; (5) the analysis should take the Price Boulevard widening project into consideration.

***A motion was made by Commissioner McDowell, seconded by Vice-Mayor Yates, to direct City Manager Lear to come back with information of how to acquire the undeveloped lots by Spring Haven Drive. The motion carried by the following vote, with Commissioner Hanks absent:***

**Yes:** 4 - Mayor Carusone, Vice-Mayor Yates, Commissioner McDowell and Commissioner Luke

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to leave the Proposed Pond Site alone and natural. The motion carried by the following vote, with Commissioner Hanks absent:***

**Yes:** 4 - Mayor Carusone, Vice-Mayor Yates, Commissioner McDowell and Commissioner Luke

Recess 6:52 p.m. - 7:08 p.m.

**D. 18-276**

Amendment No. 4 to Agreement No. 2005-05 between the City of North Port and TGW Engineering, Inc. to update the 2013 construction plans for the Myakkahatchee Creek Greenway Nature Trail in accordance with the City-approved Myakkahatchee Creek Greenway Master Plan in the amount of \$14,550, for a total contract amount of \$270,486, and also authorize a contingency amount of up to \$4,000.

City Manager Lear and General Services Director Pfundheller provided a presentation of the item.

Discussion ensued: (1) the \$141,000 has not been received by Marsh Creek Holdings and they are required to pay by June 27, 2018; (2) the agreement provides that Marsh Creek Holdings pay \$141,646 for an at-grade shell trail to be constructed; (3) they cannot be asked to pay more toward the increase in construction costs; (4) the entire construction costs for the project have been budgeted; (5) it was explained that the boardwalk will be constructed out of treated or recycled lumber and will be set at a higher elevation; (6) the trail was adjusted in 2010 to provide for the alignment as noted today; (7) it was noted that shell was supposed to be used and only from Appomattox Drive to hole nine; (8) Pine Park has a specific material and it is very expensive; (9) it was noted that direction was given in 2012 to use at-grade shell or other pervious surface; (10) Southwest Florida Water Management District (SWFWMD) does not recognize shell as a pervious surface; (11) Staff explained the historical background of the project leading to the choice of materials; (12) concern was expressed about the boardwalk becoming slippery from trees, water and moss; (13) there was an environmental study completed; (14) the area will need to be cleared to accommodate the 8-foot path and then to keep the vegetation from growing over; (15) SWFWMD may require a water quality swell to be installed; (16) total width of clearing needed for an impervious surface is 16-feet, and a pervious surface is 14-feet; (17) trimming will be necessary for equipment access to set the pilings and Staff will try to avoid removing trees; (18) previous direction was to use pressure treated boardwalk with regular asphalt or trex decking and materials can be changed; (19) the least slippery surface to use would be composite plastic; (20) a non-skid grip should be considered for the boardwalk; (21) the boardwalk path was realigned: [a] to avoid the Mamba Trail; [b] to keep it away from Heron Creek Development; [c] avoiding impact to the wetlands; [d] to minimize removal of large trees; (22) it was suggested to create a "Y" to access the Morgan Center or a "turn-around"; (23) the master plan has an option to create a connection to the Morgan Center; (24) the equipment will need room to move debris and back-out; (25) the clearing will be outsourced and not performed by City Staff; (26) the staging area will be cleared; (27) environment studies have been completed and the gopher tortoise study must be done again; (28) concern was expressed for different kinds of environmental studies and burial remains; (29) the difference between wetland and flood plain were explained; (30) SWFWMD will assess the area to determine if it's a wetland before issuing a permit; (31) SWFWMD will submit the project to the Division of Historical Resources prior to issuing a permit; (32) the SWFWMD permit expires in December 2018 and can be renewed.

**PUBLIC COMMENT:**

Joan Herron San Lwin: parking concerns, need environmentalist.  
Allain Hale and Bill Goetz: leave as dirt path.

Discussion continued: (1) it was noted that using the boardwalk will make it American with Disabilities Act (ADA) compliant; (2) the Mamba Trails are very narrow and bumpy; (3) the request today is for \$14,550 plus a \$4,000 contingency amount; (4) the total costs since the master plan are \$270,000; (5) the monies approved today will update the construction plans due to the change in codes and requirements since 2013; (6) after the project is put out for bid, Staff will come back with a recommendation for actual construction costs; (7) approved funding today will allow for changes to the plan and to provide an idea of the construction costs; (8) the project is already fully funded at \$1,425,000 million; (9) this project will not interfere with the existing bike trail; (10) this is part of the greenway master plan to create connectivity to the parks; (11) the trail head will end by the skate park and application has been made for a grant; (12) when the project first started there was outreach to ADA and public meetings conducted; (13) there are similar ADA compliant trails in Charlotte and Sarasota County; (14) the trail can be utilized by people of all abilities without impacting the bike club; (15) concern was expressed about trying to create trails for each individual need; (16) concern was



expressed that an archaeological survey should be done prior to approving this request.

PUBLIC COMMENT:

Steve Koski and Michelle Calhoun: archaeological concerns.

**A motion was made by Commissioner McDowell, to have Staff complete an archaeological radar search before approving Amendment No. 4. The motion failed for a lack of a second.**

Discussion continued: (1) it was explained that sub-surface radar would be hard to complete in this area; (2) it was suggested to first walk the trail for probe and shovel testing, then determine if a ground penetrating radar would be feasible; (3) it was suggested that this Amendment be approved after an archaeological study is completed; (4) a suggestion was made that the Amendment should be conditioned upon the results of the study; (5) the cost of the study will come from the funds already allocated to this project; (6) it was noted that the cost for the archaeological study at Warm Mineral Spring is \$53,000, and Janis Research is recommending not doing the study based on past surveys; (7) concern was expressed that this will not come back before the Commission; (8) Staff noted the Agreement will not be signed until the results are returned from the study; (9) it was suggested that the City have their Environment Specialist also work on this project; (10) it was noted that the City is in the process of hiring an Environmental Specialist; (11) it was clarified that Staff will direct someone from Environmental Services to provide an environmental overview of the path.

Mayor Carusone passed the gavel to Vice-Mayor Yates.

**A motion was made by Mayor Carusone, seconded by Commissioner Luke, to approve Amendment No. 4 conditioned upon a thorough archaeological study finding nothing within the proposed pathway.**

Vice-Mayor Yates passed the gavel back to Mayor Carusone.

**A motion was made by Vice-Mayor Yates, seconded by Commissioner McDowell, to amend the motion to have an Environmental Person to work alongside as the archaeological study to determine both at the same time. The motion carried by the following vote, with Commissioner Hanks absent:**

Yes: 4 - Mayor Carusone, Vice-Mayor Yates, Commissioner McDowell and Commissioner Luke

**A vote was taken on the main motion, as amended, to approve Amendment No. 4 conditioned upon a thorough archaeological study finding nothing within the proposed pathway, and to have an Environmental Person to work alongside the archaeological study to determine both at the same time. The motion carried by the following vote, with Commissioner Hanks absent:**

Yes: 4 - Mayor Carusone, Vice-Mayor Yates, Commissioner McDowell and Commissioner Luke

E. [18-283](#)

Clearing project along the Myakkahatchee Creek near Sylvania

Discussion ensued: (1) the City has to keep the creek clear to prevent flooding, but the way it is done needs to be reviewed; (2) this is a conservation restricted area and a big part of the City's strategic plan.

PUBLIC COMMENT:

Sean Paxton, Joan Herron San Lwin, Chuck English, Bill Goetz and Steve Koski: Myakkahatchee Creek clearing.



road; (28) the existing sidewalk south of Toledo Club apartments along Kenvil Drive will be extended to Toledo Blade Boulevard; (29) the sidewalk was noted on the earlier plan and is required by Code; (30) there is an existing trail behind the site and is completely internal to Toledo Club apartments; (31) the landscaping will meet and exceed the City's minimum requirements; (32) the school board has been notified of the project, and based on the school districts calculation this development will create four students.

**PUBLIC COMMENT:**

Diana Burtnett: ingress and egress, traffic study on Kenvil Drive.

Discussion continued: (1) the ingress from Toledo Blade Boulevard to the Kenvil Drive intersection is approximately 250 feet; (2) studies indicate this will increase traffic by one trip every six minutes; (3) the City has done extensive work on Toledo Blade Boulevard and is limiting entrances on this road; (4) it was explained that traffic studies are based on the property in question, and undeveloped properties are not taken into consideration unless a permit is pulled.

Recess 9:03 p.m. - 9:20 p.m.

*A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to approve Petition No. DMP-17-178 Kenido Blade Apartments Development Master Plan with the updated site plan as provided today dated December 21, 2017, and to incorporate the applicable notations from the earlier site plan version. The motion carried by the following vote:*

**Yes:** 5 - Mayor Carusone, Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

**6. CONSENT AGENDA:**

**D. 18-209** Amendment No. 4 to Agreement No. 2005-05 between the City of North Port and TGW Engineering, Inc. to update the 2013 construction plans for the Myakkahatchee Creek Greenway Nature Trail in accordance with the City-approved Myakkahatchee Creek Greenway Master Plan in the amount of \$14,550, for a total contract amount of \$270,486, and also authorize a contingency amount of up to \$4,000.

Discussion ensued: (1) it was noted this will need additional time for discussion; (2) a suggestion was made to table this item after public comment; (3) Commissioner McDowell stated she will not support the motion because the matter should be discussed now and the other items on the agenda can be tabled.

**PUBLIC COMMENT:**

Joan Herron San Lwin: Spring Haven Drive and Greenway Nature Trail.  
Chuck English: environmental survey for land clearing and conservation areas.

Discussion continued: (1) Mr. English was encouraged to email his information to City Clerk Adkins for the Commission to review.

*A motion was made by Commissioner Hanks, seconded by Vice-Mayor Yates, to table Consent Agenda Item 6.D. to the City Commission Special Meeting on May 3, 2018 at 1:00 p.m. The motion carried by the following vote, with Commissioner McDowell dissenting for reasons stated, Commissioner Luke stated her reason for dissenting is that this Agenda item had been moved earlier and should have been addressed:*

**Yes:** 3 - Mayor Carusone, Vice-Mayor Yates and Commissioner Hanks

**No:** 2 - Commissioner McDowell and Commissioner Luke

Discussion continued: (1) March, April and May is when debris is removed before the rainy season; (2) trees and debris have been removed from the bed of the creek; (3) Staff will be blocking the access created to the work area to prevent entry by vehicle, and to preserve the area; (4) the City is exempt by Southwest Florida Water Management District (SWFWMD) permit and is not allowed to dredge the middle bed of the creek; (5) collection of fallen trees and tree removal is complete and on-site mulching is being done; (6) cannot remove tree stumps twelve inches in height because tree roots must be left to prevent erosion; (7) Staff is now in the clean-up phase and only trash is being removed from the area.

There was an agreement to hear Public Comment on the item even though there is a motion on the table.

Commissioner Hanks left the meeting at 9:44 p.m.

**PUBLIC COMMENT:**

Bill Goetz: banks destabilized from clearing at Myakkahatchee Creek.

Discussion continued: (1) Commissioner McDowell expressed concern about the language of the motion for land clearing when Staff stated they are not land clearing; (2) it was suggested that all further activity on the site should be suspended until Commission discussion; (3) it was noted that Staff is mulching the collected trees and removing trash from the site; (4) it was clarified that if no action is to be taken at this time, that would also include Staff not being able to take immediate action to rectify any situations that may arise; (5) concern was expressed that if the embankment destabilizes from rain Staff would need to take corrective action; (6) Commissioner McDowell expressed concerns that Staff may make changes at the site before it is viewed by the Commission if they are allowed to continue working there.

***A motion was made by Vice-Mayor Yates, seconded by Commissioner McDowell, to direct the City Manager to stop all clearing in the Myakkahatchee Creek greenway, including the Spring Haven area, until the Commission meets on May 3, 2018.***

***A motion was made by Commissioner McDowell, to amend the motion to stop all actions in the Myakkahatchee Creek greenway, including the Spring Haven area, until the Commission meets on May 3, 2018. The motion failed for a lack of a second.***

***A vote was taken on the main motion to direct the City Manager to stop all clearing in the Myakkahatchee Creek greenway, including the Spring Haven area, until the Commission meets on May 3, 2018. The motion carried by the following vote, with Commissioner McDowell dissenting for reasons stated and with Commissioner Hanks absent:***

**Yes:** 3 - Mayor Carusone, Vice-Mayor Yates and Commissioner Luke

**No:** 1 - Commissioner McDowell

**5. PUBLIC HEARINGS:**