

April 26, 2022 – 6:00 PM REGULAR BOARD MEETING

Lehigh Acres Municipal Services Improvement District
Barrett Room
601 East County Lane
Lehigh Acres, FL 33936

This meeting is open to the general public.

REGULAR MEETING AGENDA

- 1) **Preliminaries**
 - A. Call to Order
 - B. Roll Call
 - C. Invocation & Pledge of Allegiance
 - D. Move, Remove and Add Agenda Items
 - E. Approval of Agenda
 - F. Public Comment for Agenda Items and Non-agenda
 - G. Action on Removed Consent Items
 - H. Approval of Consent Agenda
- 2) **Consent Agenda**
 - A. Invoices and Change Orders
 - B. March 29, 2022 Regular Meeting Minutes
 - C. PER#22-13 Automatic Car Wash – 2910 Lee Blvd
- 3) **Action Agenda**
 - A. Good Cause
 - B. Fuel Station Rehabilitation
 - C. Mr. Frank Muscarelli Issue
 - D. Additional Design and Permitting for CREST
- 4) **Discussion Agenda**
 - A. Old Business
 1. Walkway Bridges
 2. Review of Policy, Section 4 – Permitting
 3. Lehigh Acres Cookie Rehabilitation Plan
 4. Introducing our New Website!
 - B. New Business
 - C. Commissioner's Request
 - D. Engineer's Report
 - E. Attorney's Report
 - F. Staff and Financial Report
 - G. Treasurer's Report
 - H. Secretary's Report
- 5) **Adjournment**

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Invoices and Change Orders

Meeting Date: April 26, 2022

Agenda Item # 2A

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Move to approve all invoices as stated on the Summary Sheet.

2 What the action accomplishes: Approves all invoices that are outside the approval limits of the Treasurer and Manager.

3 Fiscal Impact: As listed on the Summary Sheet.

4 Staff comments:

5 Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR

ATTORNEY FIELD DIRECTOR

ENGINEER FINANCE DIRECTOR

6 Board Action:

APPROVED DENIED DEFERRED

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Approval of Minutes- March 29, 2022 Regular Meeting

Meeting Date: April 26, 2022

Agenda Item # 2B

CONSENT ACTION OLD BUSINESS] NEW BUSINESS

Request Initiated By: COMMISSIONER _____] ATTORNEY

BOARD MANAGER ENGINEER] AUDITOR

1 **Recommended Motion:** Move to approve the minutes of the March 29, 2022 Regular Meeting.

2 **What the action accomplishes:** Memorializes the Board Meetings as per Florida Statute.

3 **Fiscal Impact:** 4 hours staff time

4 **Staff comments:**

5 **Staff review and recommended approval:**

MANAGER ASSISTANT DISTRICT MGR

ATTORNEY FIELD DIRECTOR

ENGINEER FINANCE DIRECTOR

6 **Board Action:**

APPROVED DENIED DEFERRED

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Permit #22-13 Automatic Car Wash - 2910 Lee Blvd

Meeting Date: April 26, 2022

Agenda Item # 2C

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

Recommended motion: Move to approve Permit 2022-13 Automatic Car Wash - 2190 Lee Blvd, with any listed stipulations.

What the action accomplishes: Allows 2910 Lee Blvd RE LLC to tear down existing car wash and build a new automatic car wash on the 0.92 acre site, while certifying on their plans that their stormwater facilities are adequate and able to discharge less than 30 CSM.

Fiscal Impact: Permit Fees: \$1,250.00

Staff comments: Approved according to the plans signed and sealed April 4, 2022.

Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD SUPERINTENDENT
 ENGINEER CONTROLLER

Board Action:

APPROVED DENIED DEFERRED

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Resolution #22-05, Surplus Spoil

Meeting Date: April 26, 2022

Agenda Item # 2D

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

Recommended motion: Move to approve Resolution 22-05 that surpluses 6000 cubic yards of existing soil located at the CREST Project and designate it for the Lehigh Acres Fire District at the price of \$2 Per cubic yard. See attached surplus fact sheet.

What the action accomplishes: Policy allows for the selling or transferring the surplussed property to any other government entity in 4c1 of the Surplus policy.

Fiscal Impact: \$1,200

Staff comments:

Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD DIRECTOR
 ENGINEER FINANCE DIRECTOR

Board Action:

APPROVED DENIED DEFERRED

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Fuel Station Rehabilitation

Meeting Date: April 26, 2022

Agenda Item # 3B

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Move to purchase of a SM2 Fuel Management System from Conencorp, not to exceed \$12,000, and move to purchase Florida Pump and Meter Omntech Proteus K Controller not to exceed \$6,000.

2 What the action accomplishes: This will revamp the hardware and improve the process and accounting for fueling the vehicles and equipment.

3 Fiscal Impact: \$11,839.95 SM2 FMS (includes first years annual fees)
\$5,508.90 Omntec Proteus K Controller
\$17,348.85 Total and \$4,317.00 annual fees starting year 2

4 Staff comments: Equipment and software will allow LA-MSID to better manage fuel consumption, secure pumps so that only authorized users can fuel vehicles, and allow more efficient reconciliation of fuel cost for accounting.

5 Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD DIRECTOR
 ENGINEER FINANCE DIRECTOR

6 Board Action:

APPROVED DENIED DEFERRED

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Mr. Frank Muscarella Issue

Meeting Date: April 26, 2022

Agenda Item # 3C

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Move to approve the recalculation of costs based on the calculation used in LA-MSID's negotiation with Lennar for Mr. Frank Muscarella's acquisition of ROW from the District, at a cost of \$1,075.76.

2 What the action accomplishes: LA-MSID will use the method as presented by Seth Behn in the Lennar scenario.

3 Fiscal Impact: \$1,075.76

4 Staff comments:

5 Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD DIRECTOR
 ENGINEER FINANCE DIRECTOR

6 Board Action:

APPROVED DENIED DEFERRED

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Additional Design and Permitting for CREST

Meeting Date: April 26, 2022

Agenda Item # 3D

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Move to approve the additional design and permitting contract for AIM Engineering for CREST, Phase III for \$52,388.

2 What the action accomplishes: Provides additional design dollars for CREST Phase III, as AIM Engineering had performed additional unanticipated tasks during the Phase II design. These extra tasks include a phase redesign for CREST Phase II, due do the \$\$2,000,000 grant being awarded to the District. AIM had to downsize the project. Now with the potential \$4,060,000 grant, we need to be flexible on our planning as we wait to see if the Governor passes or vetoes the grant.

3 Fiscal Impact: \$52,388

4 Staff comments:

5 Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD DIRECTOR
 ENGINEER FINANCE DIRECTOR

6 Board Action:

APPROVED DENIED DEFERRED

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Walkway Bridges

Meeting Date: April 26, 2022

Agenda Item # 4A1

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 **Recommended motion:** N/A

2 **What the action accomplishes:** Provides a forum to review walkway bridges.

3 **Fiscal Impact:**

4 **Staff comments:**

5 **Staff review and recommended approval:**

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD DIRECTOR
 ENGINEER FINANCE DIRECTOR

6 **Board Action:**

APPROVED DENIED DEFERRED

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Review of Policy, Section 4 – Permitting

Meeting Date: April 26, 2022

Agenda Item # 4A2

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 **Recommended motion:** N/A

2 **What the action accomplishes:** Provides a forum to review the Policy.

3 **Fiscal Impact:**

4 **Staff comments:**

5 **Staff review and recommended approval:**

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD DIRECTOR
 ENGINEER FINANCE DIRECTOR

6 **Board Action:**

APPROVED DENIED DEFERRED

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Lehigh Acres Cookie Rehabilitation Plan

Meeting Date: April 26, 2022

Agenda Item # 4A3

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: N/A

2 What the action accomplishes: Staff will lay out a plan and options for the rehabilitation of the Lehigh Cookie.

3 Fiscal Impact:

4 Staff comments:

5 Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD DIRECTOR
 ENGINEER FINANCE DIRECTOR

6 Board Action:

APPROVED DENIED DEFERRED

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: New Website

Meeting Date: April 26, 2022

Agenda Item # 4A4

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: N/A

2 What the action accomplishes: Provides a forum to discuss the new district website.

3 Fiscal Impact:

4 Staff comments:

5 Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR

ATTORNEY FIELD DIRECTOR

ENGINEER FINANCE DIRECTOR

6 Board Action:

APPROVED DENIED DEFERRED

AIM Engineering & Surveying, Inc.

April 11, 2022

Board of Commissioners
Lehigh Acres Municipal Services Improvement District
601 East County Lane
Lehigh Acres, FL 33936

Re: Engineer's Report for April 2022 Board Meeting

Dear Board Members:

The status of current projects involving the District Engineer is outlined in the following.

General Consulting

- Review of Board agenda and preparation of monthly and yearly Engineer's report
- 20-year stormwater needs analysis (House Bill 53)
- Compiling culvert inspection data for incorporation into LAMSID GIS database
- Review and recommendations for Permits No. 22-04, 22-06, 22-07, 22-08, 22-09, 22-10
- Providing requested canal elevation data for upcoming permit applicants
- Water quality analysis for the Hendry Canal widening project
- Grant funding assistance for potential culvert replacement project

Recently Completed Projects

- Southwest Lehigh Groundwater Recharge and Aquifer Restoration (February 2018)
- Hendry Canal Extension Widening (February 2021)
- Halfway Pond – SR 82 Segment 3 (April 2019)
- JUSWMSA Agreement – FDOT (March 2021)
- West Marsh Design (May 2021)

Current Projects Progress

GS-10: The property for this project was purchased by Lee County Conservation 20/20. A March 2019 Memorandum of Understanding (MOU) between Lee County and LA-MSID details each part's responsibilities related to this property. LA-MSID issued a Purchase Order to AIM in March 2020 to prepare a Land Management Plan as one of the first step requirements of the MOU. Following a presentation to Lee County's Conservation Land Acquisition and Stewardship Advisory Committee (CLASAC) made in December 2020, the committee recommended approval. The LA-MSID Board approved the Land Management Plan in January 2021 for submittal to the Lee County Board of County Commissioners. The Lee County Board approved the plan of County Commissioners on their March 2021 agenda. The LA-MSID Board approved a purchase order to AIM for an initial design scope at their August 2021 Board meeting. Lee County has cleared a small park access area but still needs to fence in this area, as well as a fence along the eastern boundary from the park access entrance to the southern boundary. LA-MSID is currently conducting maintenance exotic removal activities on site. LA-MSID and AIM presented a drone video of progress in the October Board Meeting. Survey has completed collection of elevation data and the design team is continuing to work on the 60% design approach/plans.

S-VL-1: The existing S-VL-1 structure has reached the end of its useful lifespan. AIM finalized design plans for the replacement of the weir including water control inlets, automated gates, and a catwalk to access controls. Design is complete and SFWMD permit issued. AIM submitted a post design and construction phase services scope and fee to LA-MSID which was approved by the Board on 9-20-2021. Bid were received on November 4, 2021 and LA-MSID has executed the contractor agreement. The notice to proceed was in December 2021. The contractor is working to complete the construction within the contract milestone timeframes, which include the pipes and structure being completed by June 15, gates and platform being completed by August 15, and the actuators being completed by September 15, 2022. AIM is reviewing periodic shop drawing and contractor submittal items.

Caloosahatchee River and Estuary Storage and Treatment (CREST): LA-MSID purchased approximately 105 acres for the CREST preserve and stormwater treatment area. The design elements include an interconnecting channel between Dog Canal and Hendry Canal to balance flows between the Bedman Creek and Carlos Waterway Drainage Basins. A retention reservoir is also proposed to provide year-round treatment of suspended solids through increased flow way resident time and storage to attenuate peak stages during storm events. Additionally, wetland plantings provide water quality treatment through nutrient uptake within the circuitous wetland flow-way path.

The LA-MSID Board authorized the design of this project in November 2019. A field survey of the site was completed in April 2020. AIM staff had a virtual meeting with LA-MSID senior staff in April 2020 to review concepts for developing final plans. A pre-application meeting with SFWMD was held in May 2020. LA-MSID was notified in March 2021 that FDEP had approved \$1,000,000 for funding of this project.

A Caracara nesting site is currently established within the CREST project and is protected as such unless determined as an abandoned nest. This determination can only be revisited/alterd within the nesting season period. Note that Caracara tend to maintain an established nesting site or relocate near a previous nesting site. While designated as a nesting site, a 300-meter (984-ft) primary zone and a 1,500-meter (4,920-ft) secondary zone are established. For impact reference, the primary zone encompasses more than half of the project area, while the secondary zone encompasses the entire project.

A portion of the funds required to construct the entire CREST project will be addressed via a grant from FDEP. AIM and LA-MSID are coordinating with FDEP on this issue. Based on the grant amount, the design plans and construction activities require a phased approach. AIM developed the scope of work for design phasing, post design, and construction phase services and provided to LA-MSID staff for review. This scope also addresses required Caracara monitoring. The LA-MSID Board approved a contract with AIM for this effort on 6/21/2021. Phase 1 of the CREST project include maintenance dredging of the Dog to Hendry canal and replacement of weir S-H-2. LA-MSID and AIM received notification from FDEP on final grant award to complete a \$2 million project to be completed in Phase 2. AIM aggressively worked to complete the design for permit submission in December 2021. A change order with FDEP extends the benchmark to have design plans and permits ready for construction bidding by March 2022. SFWMD issued RAI No. 1 and AIM responded to review comments. Another central-office permit reviewer was assigned to the project, who issued RAI No. 2. AIM responded to the review comments on April 7, 2022.

Unless vetoed by the Florida governor, LA-MSID is anticipating to receive \$4.0 million in grant funds to allow for the construction of the full build out of the CREST project (Phase 3). AIM has

submitted a scope and fee proposal to accommodate the additional design and permitting tasks required to revise the plans and permitting approach to include the full project build out.

If you have any questions or inquiries, please call my cell at (239) 823-8171.

Sincerely,

AIM Engineering & Surveying, Inc.

Daniel Schroeder, PE