

January 24, 2023 – 6:00 PM ANNUAL 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.

ANNUAL MEETING AGENDA

- 1) Preliminaries**
 - A. Call to Order
 - B. Roll Call
 - C. Invocation & Pledge of Allegiance
 - D. Presentation of Awards
 - E. Election of Officers
 - F. Move, Remove and Add Agenda Items
 - G. Approval of Agenda
 - H. Public Comment for Agenda Items and Non-agenda Items
 - I. Action on Removed Consent Items
 - J. Approval of Consent Agenda
- 2) Consent Agenda**
 - A. Invoices and Change Orders
 - B. November 29, 2022 and December 13, 2022 Minutes
 - C. Purchase of Parcel 27-44-26-05-00063.0040
- 3) Action Agenda**
 - A. Good Cause
 - B. 2021/2022 Goal Attainment
 - C. 2021/2022 Engineer's Annual Report
 - D. Legislative Lobbying Contract -Lewis, Longman & Walker
 - E. CREST, Phase II, Award, Contract & Notice to Proceed
- 4) Discussion Agenda**
 - A. Old Business
 1. Future Events
 - 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: January 24, 2023

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- November 29, 2022 Regular Meeting and December 13th Cancelled Meeting

Meeting Date: January 24, 2023

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 November 29, 2022 Regular Meeting and December 13th, 2022 Cancelled 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: Purchase of Parcel 27-44-26-05-00063.0040

Meeting Date: August 30, 2022

Agenda Item # 2C

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

Recommended motion: Move to allow the District Manager, or in an emergency, the Assistant District Manager to sign the closing documents for the purchase of parcel 27-44-26-05-00063.0040, up to \$20,000.

What the action accomplishes: Provides for the purchase of the final parcel that encompasses the boundaries of Jim Fleming Ecological Park.

Fiscal Impact: Up to \$20,000. We have offered \$15,000.

Staff comments:

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: 2021/2022 Goal Attainment

Meeting Date: January 24, 2023

Agenda Item # 3B

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Motion to accept the 2021/2022 Goal Attainment Report.

2 What the action accomplishes: Provides the commissioners with a snapshot on how well District Staff is adhering and progressing on our annual five-year Strategic Plan. This goals memo examines the goals in the 2021-2025 strategic plan for October 1, 2021 thru September 30, 2022.

3 Fiscal Impact: Approximately 10 hours of 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: 2021/2022 Engineer's Annual Report

Meeting Date: January 24, 2023

Agenda Item # 3D

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Move to accept the 2021/2022 Engineer's Annual Report .

2 What the action accomplishes: Provides a historical document detailing LA-MSID general facts, projects and maintenance of the stormwater system for the fiscal year 2021/2022.

3 Fiscal Impact: Approximately \$2,000, plus staff time to review it.

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: Legislative Lobbying Contract -Lewis, Longman & Walker

Meeting Date: January 24, 2023

Agenda Item # 3D

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Motion to approve the firm of Lewis, Longman & Walker as our lobbyist, with Chris Lyon as the lead legislative lobbyist and to approve the attached "Letter of Agreement" and the fee amount of \$42,000.

2 What the action accomplishes: Provides LA-MSID with unlimited hours of lobbying, communications and general time, from now until the Governor approves/disapproves our appropriation. This year, there are two bills to carry.

3 Fiscal Impact: \$42,000. Last year was \$36,000 at 10 payments. This year is 7 payments. This year there are two bills as opposed to one.

4 Staff comments: The District is protected by the 30-day notice to cancel the agreement should the District's appropriations bill fail at some point. Should both bills become inactive, we would save \$6,000 per month.

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: CREST, Phase II, Award, Contract, Notice to Proceed

Meeting Date: January 24, 2023

Agenda Item # 3D

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Move to award the CREST, Phase II Construction Contract to Turnbull Environmental, Inc., in the amount of \$1,929,500.00; also to approve the LLW reviewed contract with Turnbull and also to approve the "Notice to Proceed".

2 What the action accomplishes: Provides for the first part of construction to be completed on the eastern side of the project. This includes excavation, building of a treatment train, completion of the Dog to Hendry canal, and 3 water control structures. Phase II construction should be completed by the end of 2023.

3 Fiscal Impact: \$1,929,500.00

4 Staff comments: The contract has been reviewed by Seth Behn of LLW and Daniel Schroeder of AIM, as well as staff.

5 Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD SUPERINTENDENT
 ENGINEER CONTROLLER

6 Board Action:

APPROVED DENIED DEFERRED

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Future Events

Meeting Date: January 24, 2023

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 for Carla and Alexis will discuss the Groundbreaking and the WOW Festival.

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.

January 6, 2023

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

Re: Engineer's Report for January 2023 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 Engineer's report
- Refinement of the LA-MSID Peak Stage map
- Presentation to the Lehigh Headwater Initiative group
- Able Canal Pathway pre-permitting review of 100% plans
- Review and recommendations for permits 22-33 & 22-34
- West Marsh Preserve 3rd Annual Monitoring Report

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

Frank Mann Preserve (Formally 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 submission to the Lee County Board of County Commissioners. The Lee County Board approved the County Commissioners' plan 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 the progress at the October 2021 Board Meeting. Survey has completed the elevation data collection, and the design team is continuing to work on the 60% design approach/plans. The Environmental Scientist has begun his work to prepare for the environmental permit application.

Resulting of critical Hurricane Ian recovery efforts, progress on the Frank Mann Preserve project has been delayed. AIM is still striving to submit for permit application in early 2023.

S-VL-1: The existing S-VL-1 structure has reached the end of its useful lifespan. AIM finalized design plans for replacing the weir, including water control inlets, automated gates, and a catwalk to access controls. The design is complete, and the SFWMD permit has been issued. AIM submitted a post-design and construction phase services scope and fee to LA-MSID, which the Board approved on 9-20-2021. Bids 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 on completing the construction within the contract milestone timeframes, which include the pipes and structure completed by June 15, the gates and platform completed by August 15, and the actuators completed by September 15, 2022. The contractor has currently completed the construction of the inlet, pipes, and gates. The contractor's supplier experienced supply chain issues, and a construction schedule extension change order was issued. The contractor is waiting on the power utility to provide electricity to the site to be able to complete the project.

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 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 tends 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 and a 1,500-meter (4,920-ft) secondary zones 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 it 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 includes maintenance dredging of the Dog to Hendry canal and replacement of weir S-H-2. LA-MSID and AIM received notification from FDEP on the 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, but a time-only change order is anticipated. 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. AIM received the SFWMD CREST Phase 2 permit dated June 6, 2022, which means that the Phase 2 project is fully designed, permitted, funded, and acceptable to proceed into the construction phase, which will commence in early 2023. Bids for Phase 2 were received on December 15, 2022. Recommendation to award the apparent low bidder (Turnbull Environmental) for \$1,929,500.00, which is just under the Engineering Opinion of Probably Cost and grant-funding budget of \$2 million.

LA-MSID has received an additional \$4.0 million in grant funds to allow for the construction of the full build-out of the CREST project (Phase 3). AIM is working on completing the additional design and permitting tasks required to revise the plans and permitting approach to include the full project build-out. AIM's Environmental Scientist is currently coordinating with USFWS to clarify construction restrictions related to the Caracara nesting site. The design team completed a draft 90% plan set for Phase 3 to aid in negotiations with USFWS.

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

Sincerely,

AIM Engineering & Surveying, Inc.

Daniel Schroeder, PE