

February 28, 2023 – 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. Presentation of Awards
 - E. Move, Remove and Add Agenda Items
 - F. Approval of Agenda
 - G. Public Comment for Agenda Items and Non-agenda Items
 - H. Action on Removed Consent Items
 - I. Approval of Consent Agenda
- 2) Consent Agenda**
 - A. Invoices and Change Orders
 - B. January 24, 2023 Regular Meeting Minutes
 - C. 2023-2024 Budget Calendar
- 3) Action Agenda**
 - A. Good Cause
 - B. Legislative Appropriations
 - C. Addition of Grounds Maintenance Worker
- 4) Discussion Agenda**
 - A. Old Business
 1. 2023 WOW Festival Recap and 2024 Date
 2. CREST Groundbreaking Recap
 3. 2023 ACEC Engineering Excellence Award (AIM) West Marsh Project
 - 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: February 28, 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 AIM, AJAX and Lewis Longman and Walker invoices and to ratify Quality Enterprises due to administrative difficulties and approved by the manager, 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- January 24,2023 Regular Meeting

Meeting Date: February 28, 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 January 24,2023 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: 2023-2024 Budget Calendar

Meeting Date: February 28, 2023

Agenda Item # 2C

CONSENT

ACTION

OLD BUSINESS

NEW BUSINESS

Request Initiated By:

COMMISSIONER _____

ATTORNEY

BOARD

MANAGER

ENGINEER

AUDITOR

Recommended motion: Move to approve the 2023-2024 Budget Calendar.

What the action accomplishes: Sets in motion the many steps that will culminate with a finished budget.

Fiscal Impact: 80 hours of staff time

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: 2023 Legislative Appropriations

Meeting Date: February 28, 2023

Agenda Item

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Move to approve the three appropriations requests: A) Lehigh Sinkhole B) ROBUST Phase I C) ROBUST Phase II.

2 What the action accomplishes: See attached one-pager for each one.

3 Fiscal Impact: 1) Sinhole - \$1,100,000 B) ROBUST Phase I - \$450,000 C) ROBUST Phase II \$635,000

4 Staff comments: Robust

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: Addition of Grounds Maintenance Worker

Meeting Date: February 28, 2023

Agenda Item # 3C

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

- 1 Recommended motion:** Move to add a roster slot 38 to add a 2nd grounds maintenance technician, full-time.
- 2 What the action accomplishes:** The Board approves slots, or the number of employees. We have many different job descriptions that we can use for the 38 slots/employees in. Provides for help for the crew that maintains the Office Campus, weedeating circuit, structure and bridge grounds maintenance and parks. Currently there are two full-time positions and we can't interest temporary workers at this time.
- 3 Fiscal Impact:** See budget impact study (attached). There will not be an impact to this year's budget, due to open positions. The estimated additional cost of removing a temporary position and adding a permanent position, for the current fiscal year, is \$15,336.
- 4 Staff comments:** The union shop steward will sign off and approve the external posting. There are no internal candidates currently as all are in a higher role.

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: 2023 WOW Festival Recap and 2024 Date

Meeting Date: February 28, 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 to discuss the WOW and to request a festival date for next year as February 03-02-24.

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: Groundbreaking Recap

Meeting Date: February 28, 2023

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 discuss the CREST Project.

3 Fiscal Impact: Recap by Carla.

4 Staff comments:

5 Staff review reppa

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: 2023 ACEC Engineering Excellence Award (AIM) West Marsh Project

Meeting Date: February 28, 2023

Agenda Item # 4A3

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

Recommended motion: N/A

What the action accomplishes: Recap of why the District won the award.

Fiscal Impact:

Staff comments:

Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD SUPERINTENDENT
 ENGINEER CONTROLLER

Board Action:

APPROVED DENIED DEFERRED

AIM Engineering & Surveying, Inc.

February 21, 2023

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

Re: Engineer's Report for February 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
- Sinkhole & Dog to Carlos parcel preliminary analysis
- Alico Road/Sunshine Blvd road extension agreement coordination
- Dog Canal to Carlos Waterway (ROBUST) conceptual project coordination
- Annual SFWMD AGI inspection and certifications
- Review and recommendations for permits 22-12, 22-21, and 23-01

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 complete the design and 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 change order was issued to provide additional construction duration. The contractor is currently working on completing the substantial completion punch list 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 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/changed 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.

CREST Phase 1

Phase 1 of the CREST project includes maintenance dredging of the Dog to Hendry canal and replacement of weir S-H-2.

CREST Phase 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. The Phase 2 groundbreaking ceremony was held on February 15, 2023, and the contractor has begun construction activities. LAMSID and AIM are periodically reviewing shop drawings. The construction is anticipated to be completed by December 2023.

CREST Phase 3

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 coordinated with USFWS to clarify construction restrictions related to the Caracara nesting site. USFWS has informally agreed that a reduced 300-foot Caracara buffer size is acceptable since the completed project is anticipated to benefit the species. One more year of Caracara monitoring is required before the nest can be classified as an inactive nesting site. The design team completed the 100% plan set for Phase 3, and the SFWMD permit application was submitted on February 16, 2023.

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

Sincerely,

AIM Engineering & Surveying, Inc.

Daniel Schroeder, PE