

## May 23, 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. Move, Remove and Add Agenda Items
  - E. Approval of Agenda
  - F. Public Comment for Agenda Items and Non-agenda Items
  - G. Action on Removed Consent Items
  - H. Approval of Consent Agenda
- 2) **Consent Agenda**
  - A. Invoices and Change Orders
  - B. Approval of Minutes – April 23, 2023 Regular Meeting Minutes
  - C. Permit #23-06 – Whispering Lakes, Phase II – South Crossing
- 3) **Action Agenda**
  - A. Good Cause
  - B. Audit Selection Committee
  - C. Potential Board Meeting Schedule Change
  - D. Resolution 2023-02, Update of P-Card Policy
- 4) **Discussion Agenda**
  - A. Old Business
    1. Legislative Update
  - B. New Business
    1. Manager Replacement Plan
    2. 2024-2028 Capital Improvement Plan
    3. 2024-2028 Strategic Plan
  - 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:** May 23, 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- April 25, 2023 Regular Meeting

**Meeting Date:** May 23, 2023

**Agenda Item #** 2B

CONSENT                       ACTION                       NEW BUSINESS

**Request Initiated By:**                       COMMISSIONER \_\_\_\_\_                       ATTORNEY

BOARD                       MANAGER                       ENGINEER                       AUDITOR

**Recommended motion:** Move to approve the minutes from the April 25, 2023 Regular Board Meeting

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

**Fiscal Impact:** 2 hrs 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:** Permit #23-06 – Whispering Lakes, Phase II – South Crossing

**Meeting Date:** May 23, 2023

**Agenda Item #** 2C

CONSENT                       ACTION                       OLD BUSINESS                       NEW BUSINESS

**Request Initiated By:**                       COMMISSIONER \_\_\_\_\_                       ATTORNEY

BOARD                       MANAGER                       ENGINEER                       AUDITOR

**Recommended motion:** Move to approve Permit #23-06, Whispering Lakes II, South Crossing, with any listed stipulations and sign perpetual canal crossing agreement.

**What the action accomplishes:** Allows Whispering Lakes, Phase II to build a culvert crossing across Hackberry Canal at Charwood Ave., to LA-MSID's specifications.

**Fiscal Impact:** Permit Fees: \$1,500.00

**Staff comments:** Applicant will be required to record the easement and return a stamped copy to the District.

### 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:** Audit Selection Committee Selection

**Meeting Date:** May 23, 2023

**Agenda Item #** 3A

CONSENT                       ACTION                       OLD BUSINESS                       NEW BUSINESS

**Request Initiated By:**                       COMMISSIONER \_\_\_\_\_                       ATTORNEY

BOARD                       MANAGER                       ENGINEER                       AUDITOR

**1 Recommended motion:** Move to approve the creation of an Auditor Selection Committee to be made up of the LA-MSID Board.

**2 What the action accomplishes:** Provides for the creation of a committee that will select the next independent auditor based on Chapter 218, F.S. that will audit LA-MSID's financial records for the fiscal years 22/23 through 24/25, with possible extensions.

**3 Fiscal Impact:** TBD

**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:** Potential Board Meeting Schedule Change

**Meeting Date:** May 23, 2023

**Agenda Item #** 3C

CONSENT                       ACTION                       OLD BUSINESS                       NEW BUSINESS

**Request Initiated By:**                       COMMISSIONER \_\_\_\_\_                       ATTORNEY

BOARD                       MANAGER                       ENGINEER                       AUDITOR

**1 Recommended motion:**                      A). Make a motion to move the regular meetings of the LA-MSID Board of Commissioners to the (1st, 2nd, 3rd, 4th), (Monday, Tuesday, Wednesday, Thursday) of each month. B). No Motion.

**2 What the action accomplishes:**                      Provides consideration of moving the District's Board Meeting to a different standard week and day, because the Fire District Meeting convenes also on the 4th Tuesday, but one-hour earlier.

**3 Fiscal Impact:**                      Potential readvertising.

**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:** Resolution 2023-02, Update of P-Card Policy

**Meeting Date:** May 23, 2023

**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 update of Resolution 2023-02, Update of P-Card Policy.

**2 What the action accomplishes:** Provides updates to the policy:

**3 Fiscal Impact:** Approximately 2 hrs. legal 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:** Legislative Update

**Meeting Date:** May 23, 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 dicuss the news from Tallahassee.

**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:** Manager Replacement Plan

**Meeting Date:** May 23, 2023

**Agenda Item #** 4B1

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 for a forum to discuss the Manager's departure on October 31, 2024, and how to replace him.

**3 Fiscal Impact:**

TBD

**4 Staff comments:**

**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:** 2024-2028 Capital Improvement Plan

**Meeting Date:** May 23, 2023

**Agenda Item #** 4B2

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:**

3 **Fiscal Impact:**

4 **Staff comments:**

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:** 2024-2028 Strategic Plan

**Meeting Date:** May 23, 2023

**Agenda Item #** 4B3

CONSENT                       ACTION                       OLD BUSINESS                       NEW BUSINESS

**Request Initiated By:**                       SUPERVISOR                      \_\_\_\_\_                       ATTORNEY

BOARD                       MANAGER                       ENGINEER                       AUDITOR

**1 Recommended motion:**                      N/A

**2 What the action accomplishes:**

**3 Fiscal Impact:**

**4 Staff comments:**

**5 Staff review and recommended approval:**

MANAGER                       ASSISTANT DISTRICT MGR  
 ATTORNEY                       COMPTROLLER  
 ENGINEER                       WATER RESOURCE MGR.

**6 Board Action:**

APPROVED                       DENIED                       DEFERRED

# AIM Engineering & Surveying, Inc.

May 16, 2023

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

## Re: Engineer's Report for Map 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
- LAMSID Map revisions
- Blackstone Preserve permit compliance issue
- Frank Mann Preserve Grant Application coordination
- Review and recommendations for permits 23-02 (resubmittal), 23-05, and 23-06

### 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 striving to complete the design and submit for permit application in early 2023. AIM is currently coordinating regional modeling items that may affect the design.

**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. Repair work is being completed on the inlets where the gate frames are attached to the inlet boxes once supplies are available.

**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.

***CREST Phase 1***

Phase 1 of the CREST project is complete, which included 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. Application for Payment Number 02 has been approved for payment.

***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. The first request for additional information (RAI No. 1) was received on March 17, 2023. AIM provided responses on March 24, 2023. SFWMD has until May 23, 2023, to issue the permit or additional comments.

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

Sincerely,

**AIM Engineering & Surveying, Inc.**

Daniel Schroeder, PE