

October 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 – September 26, 2023 Regular Meeting
 - C. PER #23-12, Lehigh Townhomes
 - D. PER #23-18, Lee Tran Park & Ride
- 3) **Action Agenda**
 - A. Good Cause
 - B. FDEP Contract LPA-0563, ROBUST, Phase I
 - C. Contract Extension – AIM Engineering, Gopher Tortoise Issue, Project Bidding
 - D. FDEP Contract Extension GS 083, CREST Phase II, Extension
 - E. Agreement with Lee County for Sunshine Widening Pre-Permitting Costs
- 4) **Public Hearing - ROBUST, Phase II Legislative Appropriation**
 - A. Discussion
 - B. Adoption of Resolution 24-01 ROBUST, Phase II, Appropriation Request
- 5) **Public Hearing - Lehigh Acres Sinkhole, Phase II Legislative Appropriation**
 - A. Discussion
 - B. Adoption of Resolution 24-02, Lehigh Acres Sinkhole, Phase II, Appropriation Request
- 6) **Discussion Agenda**
 - A. Old Business
 1. Legislative Update
 - 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
- 7) **Adjournment**

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Invoices and Change Orders

Meeting Date: October 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- September 25, 2023 Regular Meeting

Meeting Date: October 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 9/25/2023 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: PER #23-12, Lehigh Townhomes

Meeting Date: October 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 #23-12, Lehigh Townhomes, with any listed stipulations.

What the action accomplishes: Allows Lehigh Townhomes, to develop an multi-family site on 59.37 acres at strap# 22-44-26-00-00003.0000, while certifying on their plans that their stormwater facilities are adequate and able to discharge less than 30 CSM.

Fiscal Impact: Permit Fees: \$3,900.00

Staff comments: This permit, when approved, will be in conjunction with the signed agreement between Lehigh Townhomes and LA-MSID.

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: PER #23-18, Lee Tran Park & Ride

Meeting Date: October 23, 2023

Agenda Item # 2H

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

Recommended motion: Move to approve Permit #23-18, Lee County Park & Ride, with any listed stipulations.

What the action accomplishes: Allows Lee County to build a Park & Ride facility at 1211 Village Lakes Blvd (strap# 30-44-27-09.0000A.001A), while certifying on their plans that their stormwater facilities are adequate and able to discharge less than 30 CSM.

Fiscal Impact: Permit Fees: \$2,150.00

Staff comments: Approved according to the revised plans signed and sealed September 29, 2023.

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: FDEP Contract LPA-0563, ROBUST, Phase I

Meeting Date: October 23, 2023

Agenda Item # 3B

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Move to approve FDEP Contract LPA-0563, for ROBUST, Phase 1, Purchase of strap # 36-43-27-01-00000.A000.

2 What the action accomplishes: Approves the contract with FDEP that will provide the funding for the Legislative Appropriation approved in the 2023/2024 Legislative Session.

3 Fiscal Impact: \$250,000 Grant

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: Contract Extension – AIM Engineering, Gopher Tortoise Issue, Project Bidding

Meeting Date: October 23, 2023

Agenda Item # 3C

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Motion to approve Change Order #1 to the AIM Engineering Additional Design & Permitting Services for CREST Agreement.

2 What the action accomplishes: Provides for more time for gopher tortoise issues and bidding for CREST Phase III construction. Design and permitting are complete. The issue that we had with the Cara Cara has almost run its course and should not be a hinderance to the future contractor.

3 Fiscal Impact: None at this time, its just a time extension.

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: FDEP Contract Extension GS 083, CREST Phase II, Extension

Meeting Date: October 23, 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 FDEP Contract Extension GS 083, CREST Phase II, Extension.

2 What the action accomplishes: Our contractor Turnbull Environmental may not finish his contract on time. This extension with FDEP will guarantee that LA-MSID stays in compliance the grant agreement.

3 Fiscal Impact: None at this time.

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: Agreement with Lee County for Sunshine Widening Pre-Permitting Costs

Meeting Date: October 23, 2023

Agenda Item # 3E

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Move to approve the Agreement with Lee County for Sunshine Widening Pre-Permitting Costs.

2 What the action accomplishes: Provides for the ability for LA-MSID's engineers and attorneys to engage with Lee County in the development of a Master Agreement dealing with all aspects related to the Sunshine Blvd.and Alico Road connection.

3 Fiscal Impact: None to LA-MSID.

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: Adoption of Resolution 24-01 ROBUST, Phase II, Appropriation Request

Meeting Date: October 23, 2023

Agenda Item # 4B

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Move to approve Resolution 24-01 ROBUST Phase II, Appropriation Request

2 What the action accomplishes: Provides for a hearing and a formal resolution from the Board to ask for a State Appropriation for ROBUST, Phase II.

3 Fiscal Impact: \$2,885,000 Grant

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: Adoption of Resolution 24-02, Lehigh Acres Sinkhole, Phase II, Appropriation Request

Meeting Date: October 23, 2023

Agenda Item # 5B

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Move to approve Resolution 24-02, Lehigh Acres Sinkhole, Phase II Appropriation Request.

2 What the action accomplishes: Provides for a hearing and a formal resolution from the Board to ask for a State Appropriation for the Lehigh Sinkhole, Phase II.

3 Fiscal Impact: \$2,000,000, see attached cost breakdown.

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 Updates

Meeting Date: October 23, 2023

Agenda Item # 6A1

CONSENT

ACTION

OLD BUSINESS

NEW BUSINESS

Request Initiated By:

COMMISSIONER _____

ATTORNEY

BOARD

MANAGER

ENGINEER

AUDITOR

Recommended motion:

What the action accomplishes:

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.

October 5, 2023

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

Re: Engineer's Report for October 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
- Survey Easement Exhibit of the Seventh Day Church of God (near the sinkhole)
- Review and recommendations for permits 23-07, 23-12, 23-17, and 23-18

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 2023. AIM is currently mobilizing additional geotechnical and survey data collection tasks at key

project locations to aid in the design process. LAMSID staff are completing exotic vegetation removal & maintenance berm/access work, which will aid the design team in understanding the effort involved in re-establishing the berm in the NW corner of the project. LAMSID staff are currently reviewing key design elements. Once confirmed, the design plans can be quickly finalized.

Together with LAMSID staff, SFWMD and Lee County Natural Resources are actively pursuing grant funding for the full build out condition (all phases of the Frank Mann Preserve project) related to stormwater and water quality. AIM continues to assist with these efforts.

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 completed substantial completion punch list items and repaired the chipped inlets through change order number 01 where the gate frames are attached to the inlet boxes. The project team is currently completing project closeout 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/altered 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 and applications for construction payment. The construction is anticipated to be completed by December 2023. Application for Payment Number 06 has been approved for payment to date. From a progress update meeting with the contractor on September 14, no known delays in construction completion have been communicated to date.

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 was issued on May 22, 2023. The project team is currently deliberating the best timing to advertise for construction. Ideally, excavation activities would be timed with a nearby project that needs embankment material to mitigate high Phase 3 construction costs.

Rehydration of Bedman (Creek) Utilizing Storage & Treatment (ROBUST)

LA-MSID gained legislative funds to purchase and improvement of two parcels within Lehigh Acres: A Sinkhole Parcel (34-44-27-00-00001.0140) and the ROBUST Parcels (36-43-27-01-00000.A000 & 36-43-27-00-00004.0020). AIM is currently conducting Phase I Environmental Reports for the Sinkhole and Robust parcels. The purpose of these assessments is to characterize the environmental conditions based on readily available information & site observations and to identify recognized environmental conditions. To assist with water quality grant funding applications, AIM prepared a conceptual ROBUST nutrient removal analysis. AIM

is also working to provide an aesthetically pleasing concept exhibit for the grant application, as well as a corresponding estimated design scope of work.

Bottomless Lake (Sinkhole Parcel)

AIM is working to provide LAMSID a conceptual scope, fee, and construction cost to be utilized toward grant application submittal.

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

Sincerely,

AIM Engineering & Surveying, Inc.
Daniel Schroeder, PE