

December 11, 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 – November 27, 2023 Regular Meeting
 - C. PER #23-21, Comcast Cable Aerial Crossing over Royal Canal (57-21-5)
 - D. PER #23-22, LCEC Aerial Crossing, Able Canal at Connie Ave.
 - E. PER #23-23, LCEC Aerial Crossing, Charlie Diversion Canal at Ann Ave.
- 3) Action Agenda**
 - A. Good Cause
 - B. FDEP Agreement NS083, Amendment #1-CREST Phase II
 - C. CREST Phase II, Time Extension
- 4) 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
- 5) Adjournment**

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Invoices and Change Orders

Meeting Date: December 11, 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- 27-Nov-23 Regular Meeting

Meeting Date: December 11, 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 November 27, 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: PER #23-21, Comcast Cable Aerial Crossing over Royal Canal (57-21-5)

Meeting Date: December 11, 2023

Agenda Item # 2C

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Move to approve Permit #23-21, Comcast Cable Aerial Crossing over Royal Canal (57-21-5), with any listed stipulations.

2 What the action accomplishes: Allows Comcast to install a coaxial cable over Royal Canal along the West side of Aletha Ave S. between Raintree St. E. and Trinity St. E.

3 Fiscal Impact: Permit Fees: \$1,950.00

4 Staff comments: Approved according to the plans submitted November 27th, 2023.

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: PER #23-22, LCEC Aerial Crossing - Able Canal

Meeting Date: December 11, 2023

Agenda Item # 2D

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Move to approve Permit #23-22, LCEC Aerial Crossing over Able Canal (46-25-1), with any listed stipulations.

2 What the action accomplishes: Allows LCEC to install a powerline over Able Canal along the West side of Connie Ave N., between 11th St. W. and 14th St. W.

3 Fiscal Impact: Permits Fees: \$4,065.00

4 Staff comments: Approved according to the plans submitted November 27th, 2023.

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: PER #23-23, LCEC Aerial Crossing at Charlie Diversion Canal

Meeting Date: December 11, 2023

Agenda Item # 2E

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Move to approve Permit #23-23, LCEC Aerial Crossing over Charlie Diversion Canal (46-24-2), with any listed stipulations.

2 What the action accomplishes: Allows LCEC to install a powerline over Charlie Diversion Canal at Ann Ave N. between 28th St. W. and 32nd St. W.

3 Fiscal Impact: Permit Fees: \$2,580.00

4 Staff comments: Approved according to the plans submitted November 27th, 2023.

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 Agreement NS083, Amendment #1-CREST Phase II

Meeting Date: December 11, 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 FDEP Agreement NS083, Amendment #1-CREST Phase II.

2 What the action accomplishes: Provides for a necessary extension of the FDEP Agreement NS083, that extends construction until April 30, 2024 and Final Reporting until May 31, 2024.

3 Fiscal Impact: None at this time.

4 Staff comments: We feel confident that the contractor on CREST II will be finished prior to April 30, 2024.

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, Time Extension, Turnbull Environmental, Inc.

Meeting Date: December 11, 2023

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 45-day, CREST Phase II, Contract Time Extension for Turnbull Environmental, Inc.

2 What the action accomplishes: Provides for weather, manpower and slow delivery delays.

3 Fiscal Impact: None

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: December 11, 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 active legislation.

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.

December 5, 2023

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

Re: Engineer's Report for December 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.
- Coordination with the Alico/Sunshine extension agreement.

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 have confirmed key design elements, and the design plans are currently being 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. Application for Payment Number 09 has been approved for payment to date.

The construction is anticipated to be completed by mid-December 2023. With factors including rain days, Hurricane Idalia, equipment operator shortages, and vendor challenges, a time-only change order is recommended to extend the final completion of the project to the end of January 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 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. If desired, AIM can 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 provided LAMSID staff with 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