

January 22, 2024 – 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. Approval of Minutes – December 11, 2023 Regular Meeting
- 3) **Action Agenda**
 - A. Good Cause
 - B. 2022/2023 Goal Attainment
 - C. 2022/2023 Engineer’s Annual Report
- 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 22, 2024

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- December 11, 2023 Regular Meeting

Meeting Date: January 22, 2024

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 December 11th, 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

LET IT BE KNOWN that the “Lehigh Acres Municipal Services Improvement District” held its regularly scheduled monthly Board meeting at 6:00 P.M. in the Barrett Room, 601 East County Lane, Lehigh Acres, FL 33936, with various members of the public and the following Commissioners and staff present:

	Attendance
CHAIR:	Michael Bonacolta
VICE CHAIR:	Julie Hollingsworth
TREASURER:	Katy Hoover
SECRETARY:	Kenneth Thompson
COMMISSIONER:	Julie Camp
STAFF:	Mike Cook, Assistant District Manager Timothy Browning, IT Carla Brantley, Resource & Relations Director (Virtual) Alexis Nielson, Administrative Support Specialist (Virtual)
ATTORNEY:	Seth Behn, Lewis, Longman & Walker (Virtual)
ENGINEER:	Daniel Schroeder, AIM Engineering

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, Turnbull Environmental, Inc.
- 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**

A. CALL TO ORDER

Chair Bonacolta called the meeting to order at 6:00 p.m.

B. ROLL CALL

Deputy Secretary took roll. All Commissioners are present, except Commissioner Thompson who was running late. There is a quorum.

C. INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Bonacolta held a moment of silence and then led the pledge.

D. MOVE, REMOVE AND ADD AGENDA ITEMS

Assistant District Manager Cook recommended that Item 3A be added.

E. APPROVAL OF AGENDA

- *Move to approve the agenda as amended.*
 - *Commissioner Hoover moved*
 - *Commissioner Hollingsworth seconded*
- *Motion was unanimously approved.*

F. PUBLIC COMMENT FOR AGENDA ITEMS AND NON-AGENDA ITEMS

None.

G. ACTION ON REMOVED CONSENT ITEMS

None.

H. APPROVAL OF CONSENT AGENDA

- *Move to approve the Consent Agenda as submitted confirming the recommended actions.*
 - *Commissioner Hoover moved*
 - *Commissioner Hollingsworth seconded*
- *Motion was unanimously approved.*

>>> *Commissioner Thompson arrived at 6:02pm*

2. CONSENT AGENDA

- A. Invoices and Change Orders**
Move to approve all invoices as stated on the Summary Sheet.
- B. Approval of Minutes – November 27, 2023 Regular Meeting**
Move to approve the minutes of the November 27, 2023 Regular Meeting.
- C. PER #23-21, Comcast Cable Aerial Crossing over Royal Canal (57-21-5)**

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

D. PER #23-22, LCEC Aerial Crossing – Able Canal

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

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

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

3. ACTION AGENDA

A. Good Cause

Assistant District Manager Cook gave an overview.

- *Move to ratify the District Manager’s signature on the attached invoice from Kelly Tractor.*
 - *Commissioner Hollingsworth moved*
 - *Commissioner Hoover seconded*
- *Motion was unanimously approved.*

B. FDEP Agreement NS083, Amendment #1-CREST Phase II

Assistant District Manager Cook gave an overview.

- *Move to approve the FDEP Agreement NS083, Amendment #1-CREST Phase II.*
 - *Commissioner Camp moved*
 - *Commissioner Hoover seconded*
- *Motion was unanimously approved.*

C. CREST Phase II, Tiem Extension, Turnbull Environmental, Inc.

Assistant District Manager Cook gave an overview.

- *Move to approve the 47-day, until January 31, 2024, CREST, Phase II, Contract Tiem Extension for Turnbull Environmental, Inc.*
 - *Commissioner Thompson moved*
 - *Commissioner Hoover seconded*
- *Motion was unanimously approved.*

4. DISCUSSION AGENDA

A. Old Business

1. Legislative Update

Attorney Behn gave a status update.

B. New Business

None.

C. Commissioner's Request

Commissioners discussed the sinkhole land purchase timeline briefly.

D. Engineer's Report

Report is in the packet.

E. Attorney's Report

Attorney Behn gave an overview of his current activities. The sinkhole and ROBUST land purchases are set to close three weeks after closing documents are received, which should be late January or early February. He also brought up LLW's rate increases for the new year.

F. Staff and Financial Report

Report is in the packet. Assistant District Manager Cook gave an update of the Alico Road and GS-10 projects.

G. Treasurer's Report

Report is in the packet.

H. Secretary's Report

None.

5. ADJOURNMENT

Motion to adjourn was made by Commissioner Hoover. Seconded by Commissioner Hollingsworth. All in favor. Meeting adjourned at 6:17 P.M.

Reviewed by:

Secretary, Kenneth Thompson

ADOPTED ON: January 22, 2024

Chair, Michael Bonacolta

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: 2022/2023 Goal Attainment

Meeting Date: January 22, 2024

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 2022/2023 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 2022-2026 strategic plan for October 1, 2022 thru September 30, 2023.

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: 2022/2023 Engineer's Annual Report

Meeting Date: January 22, 2024

Agenda Item # 3C

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Move to accept the 2022/2023 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 2022/2023.

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: Future Events

Meeting Date: January 22, 2024

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 the WoW Festival, Parades, Etc.

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 8, 2024

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.
- Review and recommendation for permits 23-21, 23-22, 23-23, and 23-19 (re-submittal).

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)
- Weir S-VL-1 Replacement (August 2023)

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. Additional topographic survey data was completed by January 8, 2024. The design team is utilizing this additional survey data to complete the 90% construction plans.

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.

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. LAMSID and AIM periodically review shop drawings and applications for construction payment. Application for Payment Number 10 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