

March 25, 2024 – 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 – February 26, 2024 Regular Meeting
 - C. PER #23-20 – El Corazon Supermarket, Gretchen Ave. S.
 - D. PER #24-03 – Chipotle Grill, 2722 4th St. W.
 - E. PER #24-05 - SW Truck Services Expansion, 5530 & 5540 4th St. W.
- 3) **Action Agenda**
 - A. Good Cause
 - B. Lehigh “Cookie Sign” Reconstruction Project
 - C. FY 2022-2023 Audit – Purvis Gray & Co.
- 4) **Discussion Agenda**
 - A. Old Business
 1. Future Events
 - B. New Business
 1. Financial Policies
 - 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: March 25, 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- February 26, 2024, Regular Meeting

Meeting Date: March 25, 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 February 26, 2024 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 #23-20 – El Corazon Supermarket, Gretchen Ave. S.

Meeting Date: March 25, 2024

Agenda Item # 2C

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

Recommended motion: Move to approve PER #23-20 – El Corazon Supermarket, Gretchen Ave. S., with any listed stipulations.

What the action accomplishes: Allows El Corazon Supermarket, to develop an commercial site at Gretchen Ave. S., while certifying on their plans that their stormwater facilities are adequate and able to discharge less than 30 CSM.

Fiscal Impact: Permit Fees: \$1,500.00

Staff comments: Approved according to the revised plans and calculations signed/sealed February 27, 2024.

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 #24-03 – Chipotle Grill, 2722 4th St. W.

Meeting Date: March 25, 2024

Agenda Item # 2D

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

Recommended motion: Move to approve Permit 2024-03 Chipotle Grill, 2722 4th St. W., with any listed stipulations.

What the action accomplishes: Allows Chipotle Grill, to develop an commercial site at 2722 4th St. W., while certifying on their plans that their stormwater facilities are adequate and able to discharge less than 30 CSM.

Fiscal Impact: Permit Fees: \$1,500.00

Staff comments: Approved according to the plans and calculations submitted February 13, 2024.

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 #24-05 - SW Truck Services Expansion, 5530 & 5540 4th St. W.

Meeting Date: March 25, 2024

Agenda Item # 2E

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

Recommended motion: Move to approve PER #24-05 – SW Truck Services Expansion, 5530 & 5540 4th St. W., with any listed stipulations.

What the action accomplishes: Allows SW Truck Services Expansion, to permit a commercial site that is already built at 5530 & 5540 4th St. W., while certifying on their plans that their stormwater facilities are adequate and able to discharge less than 30 CSM.

Fiscal Impact: Permit Fees: \$4,000.00 (After The Fact Permit-fees are doubled)

Staff comments: Approved according to plans and calculations signed and sealed on March 5, 2024.

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: Lehigh "Cookie Sign" Reconstruction Project

Meeting Date: March 25, 2024

Agenda Item # 3B

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: TBD

2 What the action accomplishes: Allows the Board to monitor the progress of the cookie sign and the Sign Guys.

3 Fiscal Impact: \$19,583.33.

4 Staff comments: Hopefully at this point, the Sign Guys will have begun installing letters and other art.

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: FY 2022-2023 Audit – Purvis Gray & Co.

Meeting Date: March 25, 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 FY 2022-2023 Independent Audit

2 What the action accomplishes: Provides audited data from an independent auditor.

3 Fiscal Impact: Audit & Financial Statement Fee - \$33,475
Single Audit Fee - \$ 3,000
Total Audit Fees \$36,475

4 Staff comments: The independent audit report expresses an unmodified opinion, which means the District's financial statements present a true and fair view. There were no material weaknesses that were found or reported by the auditor.

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: March 25, 2024

Agenda Item # 4A1

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By:

COMMISSIONER All

ATTORNEY

BOARD

MANAGER

ENGINEER

AUDITOR

1 Recommended motion: N/A

2 What the action accomplishes: Provides a forum to discuss upcoming events.

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: RES 2024-09, Financial Policies

Meeting Date: March 25, 2024

Agenda Item # 4B1

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER All ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: N/A

2 What the action accomplishes: Provides for a change to the policy, among others, to establish it's superiority to the Manager's Contract, with relation to the spending limits of the District Manager. This allows for a fall back strategy, if needed.

3 Fiscal Impact: None at this 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

AIM Engineering & Surveying, Inc.

March 12, 2024

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

Re: Engineer's Report for March 2024 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.
- Blackstone AGI yearly inspection.
- Review and recommendation for permits 24.03, 24.04, 24.05, and 23.20 (resubmittal).
- Coordination and surveying for the Lee County Sunshine Widening Project.

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 Frank Mann Preserve property was purchased by Lee County Conservation 20/20. A March 2019 Memorandum of Understanding (MOU) between Lee County and LA-MSID allows LAMSID to construct and maintain a stormwater storage and water quality system within the parcel. 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 the August 2021 Board meeting. Lee County has cleared a small park access area. LA-MSID is currently conducting maintenance exotic removal activities on site. Survey has completed the elevation data collection, and the design team worked to complete the design approach/plans.

As a result of critical Hurricane Ian recovery efforts, progress on the Frank Mann Preserve project was delayed. LAMSID staff continue to complete 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% plans.

The project was recently selected to receive \$15M in grant funding. Given the additional project funding, AIM and LAMSID will continue coordination on the next steps of the project's development.

Caloosahatchee River and Estuary Storage and Treatment (CREST): LA-MSID purchased approximately 105 acres for the CREST preserve and stormwater treatment area. The LA-MSID Board authorized the design of this project in November 2019. AIM staff had a virtual meeting with LA-MSID senior staff in April 2020 to review concepts for developing final plans. 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 also provides 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.

A Caracara nesting site is currently established within the CREST project and is protected as such unless determined to be an abandoned nest. This determination can only be revisited/alterd within the nesting season period. While designated as a nesting site, a 300' buffer zone is established.

Due to grant funding, the design plans and construction activities required 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, which partially addressed 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 includes maintenance dredging of the Dog to Hendry canal and replacement & relocation 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. AIM received the SFWMD CREST Phase 2 permit dated June 6, 2022. Bids for Phase 2 were received on December 15, 2022. AIM recommended awarding the project to the apparent low bidder (Turnbull Environmental) for \$1,929,500.00, which was just under the Engineering Opinion of Probably Cost and grant-funding budget of \$2 million. The Phase 2 construction groundbreaking ceremony was held on February 15, 2023.

With factors including rain days, Hurricane Idalia, equipment operator shortages, and vendor challenges, a time-only change order was approved to extend the final completion date. Phase 2 was completed in February 2024.

CREST Phase 3

LA-MSID has received an additional \$4.06 million in grant funds to allow for the construction of the full build-out of the CREST project (Phase 3). AIM worked to complete 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 (January to April 2024) before the application to declassify the nest as a protected nesting site can commence. The design team completed the 100% plan set for Phase 3, and the SFWMD permit was issued on May 22, 2023.

Due to the recent supply chain and inflationary factors, a flexible design and bidding approach are desired to ensure all Phase 3 grant funds are utilized for the project. Phase 3 construction-phase services have also not been authorized to date. An additional scope of work was approved to accommodate the additional design, environmental, bidding, and construction-phase tasks. Phase 3 was advertised for contractor bid on March 7, 2024.

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 conducted Phase I Environmental Reports for the Sinkhole and Robust parcels. The purpose of these assessments was 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, MSE