

July 22, 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 – June 24, 2024 Regular Meeting
 - C. PER # 24-04, Scooters Coffee, 554 Meadow Road
 - D. PER # 24-17, AARAV Investment, LLC - 1390 Lee Blvd.
 - E. PER # 24-18, FGUA Gateway Interconnect Crossing Swordfish Canal
- 3) **Action Agenda**
 - A. Good Cause
 - B. Vehicle Purchases
 - C. RES 24-10, Surplus - Dump Truck #221 And Authorization to Dispose
 - D. ROBUST – Highway 80 Investment Trust, Memorandum of Understanding and Draft Final Agreement
- 4) **Discussion Agenda**
 - A. Old Business
 1. 2025 Legislation
 2. Invest 90L - Rain Event on June 11, 12, 13
 - B. New Business
 1. Manager’s Review
 - 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: July 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 - June 24, 2024 Regular Board Meeting

Meeting Date: July 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 June 24, 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 # 24-04, Scooters Coffee - 554 Meadow Road

Meeting Date: July 22, 2024

Agenda Item # 2C

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

Recommended motion: Move to approve Permit 2024-04, Scooter's Coffee, with any listed stipulations.

What the action accomplishes: Allows Scooter's Coffee, to develop a commercial site at 554 Meadow Road, 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 resubmitted July 1, 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 # 24-17, AARAV Investment, LLC - 1390 Lee Blvd

Meeting Date: July 22, 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 2024-17, AARAV Investment, LLC, with any listed stipulations.

What the action accomplishes: Allows AARAV Investment, LLC to develop a commercial site at 1390 Lee Blvd., 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 signed/sealed June 12, 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 # 24-18 FGUA Gateway Interconnect Crossing Swordfish Canal

Meeting Date: July 22, 2024

Agenda Item # 2E

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

Recommended motion: Move to approve Permit 2024-18, FGUA Gateway Interconnect bore under Swordfish Canal, with any listed stipulations.

What the action accomplishes: Allows FGUA to construct a water main to provide a potable water interconnect with Gateway Utilities, while boring under Swordfish Canal and to ensure that their bore stays at least 10-feet under the canal bottom.

Fiscal Impact: Permit Fees: \$1,950.00

Staff comments: Approved according to the plans signed/sealed June 10, 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: 2025 Vehicle Purchases

Meeting Date: July 22, 2024

Agenda Item # 3B

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Move to approve the purchase of four trucks for FY25 Capital Replacement, from Sam Galloway Ford, by piggybacking onto the Lee County Ford Automobile Solicitation #B200417BAG.

2 What the action accomplishes: Sends purchase orders to the dealer utilizing the existing Lee County contract that was extended through 12/14/26.

3 Fiscal Impact: \$49,961.80 x 4 trucks = \$199,847.20.

4 Staff comments: Staff will outfit the trucks with toolboxes, utility bodies, etc. after they are delivered to LAMSID. This will save the District money versus ordering them with these items.

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 24-10, Surplus - Dump Truck #221 and Authorization to Dispose

Meeting Date: July 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 approve Resolution 2024-10, Surplus - Dump Truck #221 and the Authorization to Dispose that allows the Manager to sign.

2 What the action accomplishes: Provides for our insurance company, PRIA to obtain ownership of LA-MSIDs dump truck #221, which is totaled. They are purchasing the truck outright for \$39,048.

3 Fiscal Impact: \$39,048

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: ROBUST – Highway 80 Investment Trust, Memorandum of Understanding and Draft Final Agreement

Meeting Date: July 22, 2024

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 Memorandum of Understanding (MOU) with Kenneth Goodman as Trustee of the Highway 80 Investment Trust.
- 2 What the action accomplishes:** Provides for LA-MSID to secure an understanding with Mr. Goodman to the eventual signing of a construction and maintenance easement for a ROBUST Project connection from LA-MSID's ROBUST parcel to Bedman Creek and an overflow connection from Bedman Creek to Carlos Waterway.
- 3 Fiscal Impact:** Legal costs and waiver of assessments on approximately 10-acres for this phase of construction.
- 4 Staff comments:** Staff has secured the purchase of the ROBUST parcel (\$250,000) and the funding for design and partial construction of this phase (\$1,500,000). We have applied for the remainder of funding through FDEP-Water Quality Program for this phase of construction (\$1,500,000).

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: 2025 Legislation

Meeting Date: July 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 potential 2025 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

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Invest 90L - Rain Event on June 11, 12, 13

Meeting Date: July 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 actions related to the rain event.

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's Review

Meeting Date: July 22, 2024

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 performance over the prior year.

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

AIM Engineering & Surveying, Inc.

July 15, 2024

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

Re: Engineer's Report for July 2024 Board Meeting

Dear Board Members:

The status of current projects and tasks involving the District Engineer are outlined as follows:

General Consulting

- Review of Board agenda and preparation of monthly Engineer's report.
- Review and recommendation for permits 22-20 (resubmittal), 24-16, 24-17, and 24-18.
- Coordination and ongoing permit review 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)
- CREST Phase 2 (February 2024)

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. Permit submission is anticipated in the fall of 2024.

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 received a \$2 million dollar grant award to complete Phase 2. Bids for Phase 2 construction were received on December 15, 2022. The Phase 2 construction groundbreaking ceremony was held on February 15, 2023. Turnbull Environmental completed CREST Phase 2 construction 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 bids were received on April 18, 2024, with Turnbull Environmental awarded the project at the April 2024 LAMSID board meeting.

The Notice to Proceed with construction was given on May 1, 2024. Phase 3 is due to be substantially complete by August 31, 2025, and finally complete by September 30, 2025. The design team is currently pursuing Gopher Tortoise relocations and modifications to the SFWMD permit to allow for the excavation of the Caracara nest buffer area.

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. AIM provided the documents required for grant application submission for the ROBUST project by the July 15th due date.

Bottomless Lake (Sinkhole Parcel)

AIM provided LAMSID staff with a conceptual scope, fee, and construction cost to be utilized toward grant application submittal. AIM completed a high-level Due Diligence report for the parcel to identify current and/or needed permits and buffering requirements. The grant application was vetoed by Governor Ron DeSantis. LAMSID is currently researching alternative grant funding courses to pursue.

Alico Road Extension Analysis for Sunshine Boulevard

LAMSID was contacted by the Lee County Department of Transportation (Lee DOT) to determine water management requirements for a proposed new road connecting Alico Road to SR 80. The proposed road will connect to Sunshine Blvd at its junction with SR 82. The interchange with SR 82 will be enhanced to facilitate improved flow patterns, and the impervious area of that interchange will be significantly greater than the existing interchange. Sunshine Blvd. will be widened up to and through the junction with Able Canal north of Lee Blvd. The widened road will generate additional runoff, which will need to be managed so that peak water elevations do not increase in Able Canal as it passes under Sunshine Blvd. During a meeting on July 27, 2024, with Lee County DOT and Johnson Engineering, Inc., it was explained that the section of the Sunshine Blvd widening between SR 82 and 23rd Street SW is on a critical path schedule.

During that meeting, Water Science Associates (WSA) was requested to provide an accelerated analysis of the impact of the road widening on water levels and flows in Sailfish Canal as well as impacts on canal water levels at the junction of Sailfish Canal and Able Canal. A more comprehensive analysis of the impacts of the proposed roadway changes is being negotiated between LA-MSID and Lee County DOT. WSA & AIM have completed a draft report of the findings and provided draft recommendations for LAMSID staff and the board to consider to mitigate impacts to the LAMSID drainage system.

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

Sincerely,
AIM Engineering & Surveying, Inc.
Daniel Schroeder, PE, MSE