

MARCH 17, 2025 – 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 24, 2025, Regular Meeting
 - C. Permit #24-07 – Whispering Lakes II, Forcemain Line Modification
 - D. Permit #24-08 - Whispering Lakes II, Re-Use Line Modification
 - E. Permit 24-60, 25-10, 25-15, 25-16, 25-20, 25-21, 25-22, 25-23, Comcast Bores
- 3) **Action Agenda**
 - A. Good Cause
 - B. 2023/2024 Independent Financial Audit -Purvis, Gray & Company
- 3) **Discussion Agenda**
 - A. Old Business
 - 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
- 4) **Adjournment**

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Invoices and Change Orders

Meeting Date: March 17, 2025

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 24, 2025 Regular Board Meeting

Meeting Date: March 17, 2025

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 24, 2025 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: Permit #24-07 - Whispering Lakes, Phase II - Forcemain Modifications

Meeting Date: March 17, 2025

Agenda Item # 2C

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

Recommended motion: Move to approve Permit 2024-07, Whispering Lakes, Phase II - Forcemain Modifications

What the action accomplishes: Allows the developer to construct a wastewater forcemain connecting Whispering Lakes II to the next lift station downstream, at the southwest corner of the subdivision.

Fiscal Impact: Permit Fees: \$1625.00

Staff comments: Approved based on the revised plans signed/sealed January 27th, 2025.

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 #25-08 (M1), Whispering Lakes Phase II - Re-use Line Modifications

Meeting Date: March 17, 2025

Agenda Item # 2D

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

Recommended motion: Move to approve Permit 2024-08 (M1) Whispering Lakes Phase II - Re-Use Line Modifications, with any listed stipulations.

What the action accomplishes: Allows the developer (Bentley Buckingham, LLC) to construct a re-use Line under Nine-Mile Canal to support Whispering Lakes II.

Fiscal Impact: Permit Fees \$500.00.

Staff comments: Approved based on the revised plans signed/sealed January 27th, 2025.

Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD DIRECTOR
 ENGINEER FINANCE DIRECTOR

Board Action:

APPROVED DENIED DEFERRED

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Comcast Bore Permits: PER 24-60; PER 25-10, 25-16, 25-20, 25-21, 25-22, 25-23, & 25-25

Meeting Date: March 17, 2025

Agenda Item # 2E

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

Recommended motion: Move to approve Comcast Bore Permits: PER 24-60; PER 25-10, 25-16, 25-20, 25-21, 25-22, 25-23, & 25-25, with any listed stipulations.

What the action accomplishes: Allows Comcast to bore under District canals as listed in the attachment, while ensuring that their bore stays at least 10-feet under the canal bottoms.

Fiscal Impact: Permit Fees: See Attached Summary Sheet.

Staff comments: Approved according to the submitted plans and surveys.

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: 2023/2024 Independent Financial Audit - Purvis, Gray & Co.

Meeting Date: March 17, 2025

Agenda Item # 3B

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Move to accept the FY 2023-2024 Independent Audit from Purvis & Gray.

2 What the action accomplishes: Provides audited data from an independent auditor, that showcases the health and compliance of LA-MSID.

3 Fiscal Impact: Audit & Financial Statement Fee - Single
Audit Fee - Total Audit
Fees

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

AIM Engineering & Surveying, Inc.

March 7, 2025

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

Re: Engineer's Report for the March 2025 Board Meeting

Dear Board Members:

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

General Consulting

- Review the board agenda and prepare the monthly engineering report.
- Review and recommendation for permits: 24-38, 24-40, 24-41, 24-42, 24-53, 24-54, 24-57, 25-30, 24-04, and 24-08.
- Ongoing permit coordination related to the Lee County Sunshine Widening Project.
- Bottomless Lake/Sinkhole grant funding coordination.

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 has recommended additional survey data to be collected along the northwest berm to aid in the completion of the 90% plans and permit application. Permit submission is anticipated in the fall of 2024, pending LA-MSID receipt of FDEP grant funds.

The project was recently selected to receive \$15M in grant funding. Given the additional project funding, AIM and LAMSID continue to coordinate on the next steps of the project's development. The grant funding agreement is thought to be close to being finalized. Additional funding for the project may also be available from SFWMD. AIM provided an updated engineering cost opinion for the project to demonstrate that additional funds would allow for more project benefits to be designed and constructed. The project design team and LAMSID staff are currently waiting for the grant funds to be made available from SFWMD/FDEP. A spending plan was provided to SFWMD/FDEP in early January 2025. Execution of the grant agreement between SFWMD & FDEP will hopefully be finalized soon.

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. Required Gopher Tortoise relocations have been completed. The SFWMD permit modification was submitted on 9/18/2024 to allow for the excavation of the Caracara nest buffer area. The design team responded to a second RAI received from SFWMD on February 11, 2025. After further coordination between the project's Environmental Scientist and USFWS staff following the completion of the 2025 Caracara survey season, it was concluded that there is no Caracara nesting within the CREST Phase 3 Caracara primary nesting zone or the entire CREST site. Therefore, the project has been downgraded by USFWS from a "take" to just a technical assistance letter.

With this new information, we requested that the permit be issued, as the excavation and planting of the formal Caracara buffer area must be accomplished as soon as possible before the rainy season. The Caracara nesting site was initially identified in a 2021 survey. Currently, four years of conducting yearly nesting-season surveys have successfully verified the non-existence of Caracara nesting activities on the CREST site. It was communicated that the additional excavated and planted area will provide additional stormwater storage, which is critical for realizing the intended flood mitigation and water quality improvements.

The contractor is also pursuing the potential to include larger plants and trees for Phase 3 while still staying under the awarded grant funding amount. AIM and the contractor are preparing a change order to include additional plants in Phase 3.

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. Coordination continues to gain required easements from landowners. A dry season flow analysis was completed in the path month. With the grant agreement finalized, a design scope of services was approved by LAMSID during the January board meeting. AIM will begin design efforts once the purchase order is available.

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. During the fence permitting process, LAMSID learned a Lee County Limited Development Order (LDO) permit is also required. The LDO/fencing permit has since been approved. AIM is assisting LAMSID with the documentation needed for grant funding applications.

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 in order to mitigate impacts to the LAMSID drainage system.

A follow-up meeting was conducted on September 10th at 10 AM to discuss the ROW capacity topic further. The roadway improvements require LC to acquire canal ROW from LAMSID. AIM and WSA are working with LC DOT and Johnson Engineering to agree upon the volume of lost stormwater storage impact to mitigate due to LAMSID's lost canal ROW. A monthly meeting has been established between the stakeholders to keep coordination efforts moving forward. However, the October meeting was postponed to a date to be determined due to Hurricane Milton. The November meeting occurred on November 12, 2024, at 10 am. WSA, AIM, and LAMSID staff worked to clarify the acceptable lower and upper limits to calculate the lost ROW storage volume. LAMSID staff met with key LCDOT staff to discuss large-scale improvements that work for both LAMSID and LCDOT on February 11, 2025. LAMSID and LCDOT are currently working on finalizing an agreement.

Centennial Flood Mitigation

LA-MSID has been coordinating with Lee County and SFWMD regarding the recent road flooding in the Centennial area south of Buckingham Road. The land elevation falls to the northwest, whereas the LA-MSID canals direct flows to the southeast. Therefore, flood mitigation concept projects were developed during the Southern Lee County Flood Mitigation Plan, including a stormwater storage area and a new outfall route to the north of Buckham Road. Initial coordination with Lee County has resulted in LA-MISD learning the project(s) are low on the County's flood mitigation prioritization list. However, this project is now being

considered as one of the projects to analyze further in correlation with the Lee County Sunshine Widening project.

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

Sincerely,

AIM Engineering & Surveying, Inc.

Daniel Schroeder, PE, MSE, PMP

Vice President & Civil Group Manager