

Minutes

Regular Meeting of the Captiva Erosion Prevention District

Wakefield Room, 'Tween Waters Inn, 15951 Captiva Drive, Captiva, Florida
July 11, 2012

Commissioners Present: Jim Boyle (Chair); Doris Holzheimer (Vice Chair); Harry Kaiser (Secretary); Dave Jensen (Treasurer); Mike Mullins (Commissioner)

Staff Present: Kathleen Rooker, CEPD Administrator; JoAnn Paul-Young, CEPD Accountant; John Bralove, CEPD Assistant to the Administrator; Steve Keehn, CP&E; Nancy Stroud, CEPD Attorney

1. Call to Order

The meeting was called to order by Chairman Boyle at 12:00 p.m.

2. Roll Call

The roll was called and the results are outlined above.

3. Approval of June Meeting Minutes

Mr. Kaiser moved and Mr. Jensen seconded a motion to dispense with the reading of the minutes from the June 7, 2012 Briefing Meeting, the June 13 Regular Board Meeting, and the June 14 Briefing Meeting and approve them as submitted. The motion passed without dissent.

4. Public to be Heard

Chairman Boyle called upon Steve Boutelle, Lee County Division of Natural Resources, for comments. He introduced Justin McBride, the new coastal project manager for the Division. Mr. Boutelle also provided a report on the status of the Blind Pass dredging, saying that it was underway, recent Tropical Storm Debby had dislodged some pipe, but things were now going well, and estimated that the work on the Gulf side would be completed in about 20 days. He added that an estimate of how long it would take to do the work on the bay side was less definite because the dredge cannot go under the Blind Pass Bridge because of the depth of the water and would have to come around the inside where depth still might be a problem. He was asked about damage to the road and the 2 access areas at the bend near Jensen's on the Gulf. Mr. Boutelle said that the Lee County DOT and Emergency Management Division deal with the road, and Parks and Recreation deals with the access areas. He said he will contact those agencies and ask them to provide information to CEPD

5. Financial Report

Mr. Jensen referred Commissioners to the Financial Report in the Agenda Materials. He said that some of the information will be covered later in the Agenda under the budget discussion and asked for questions and comments. Mr. Mullins asked whether Ms. Paul-Young had found any discrepancies in the tax rolls. He raised a question concerning land use classifications on the island seemingly out of date for resorts and island accommodations. Commissioner Jensen responded that everything had been updated. Commissioner Mullins also asked about whether CEPD had a tally of the number of single family homes at South Seas that are for rent since it affects CEPD's cost share. Chairman Boyle said this will be discussed in the next agenda item.

6. Old Business

a) Legislative and Funding Update

- **Lee County ILA**

Chairman Boyle reported that there were no discussion and no changes to the ILA since Commissioners had agreed at the last meeting to concentrate on getting the DEP agreement resolved with the state.

- **DEP Grant Agreement 12LE2**

- Meeting Summary

Ms. Rooker referred the Commissioners to their agenda materials which contained the DEP meeting agenda and a summary of the June 29th meeting. Ms. Rooker explained that the meeting was favorable and that the DEP was updating the information it used for cost sharing. Mr. Keehn commented that some of the categorizations were not accurate, there were some undesignated properties, 4,000 feet of government-owned property could be included in the cost share calculation, which was a positive decision in CEPD's favor, and the South Seas single family homes issue hurt CEPD from a cost-share point of view. Mr. Keehn added that CEPD would forward to the DEP updated lodging information and eligible shoreline data. The information will be used by the DEP to rewrite the grant agreement.

Mr. Mullins suggested that the eligibility of single family homes be determined by whether they were homesteaded or not and said CEPD needs to know the number of rental homes. Mr. Keehn said Ms. Rooker had received refined numbers from South Seas and Ms. Rooker confirmed this. Mr. Mullins said that in the next round of discussions with the DEP, it should be based on CEPD's numbers.

- Open Items

Additional discussion involved how much of the \$4.5 million approved by the state legislature CEPD will actually receive, what will the ultimate cost share be, and deeding submerged lands to CEPD to increase the cost share. Mr. Keehn said CEPD will have another opportunity to provide feedback to the DEP rule making after they issue their next letter. Mr. Mullins suggested that CEPD contract with a lobbyist to assist CEPD. Chairman Boyle asked Commissioners whether CEPD should engage a lobbyist to promote Captiva interests during the rule making process. Mr. Jensen asked what the time frame was and Mr. Keehn responded that is was now. Mr. Boutelle provided some additional information about the DEP's public comment period still being open, and after further discussion, Mr. Mullins moved to seek proposals from Lisa Armbruster, Floridian Partners, and Linda Shelly to assist CEPD in getting a better cost share. There was no second and the motion died. Chairman Boyle moved and Mr. Kaiser seconded a motion to seek proposals from Lisa Armbruster and Linda Shelly to assist CEPD in getting a better cost share. Mr. Mullins moved and Mr. Jensen seconded a motion to amend the previous motion to include others names (not specified) to the list of whom to ask for proposals. The motion to amend passed unanimously. Chairman Boyle called for a vote on the amended motion and it passed unanimously.

- **Army Corps of Engineers**

Chairman Boyle reported that the ACOE had not asked CEPD to put up earnest money. He added that there will be a conference call in the near future regarding the Project Cooperation Agreement.

Mr. Boutelle apologized for having to leave the meeting but wanted to inform the Board before he left that he had received word that the Division of Emergency Management had come up with a total of \$2,295,000 for damage from Tropical Storm Debby in Lee County, which meets the FEMA threshold for potential funding.

b) Management Consultant Services

Chairman Boyle asked Nancy Stroud, CEPD's attorney, to report on this item. Ms. Stroud said that an Invitation to Propose had been sent out based on the contract provisions CEPD currently had with Partners in Progress. She listed the following people/organizations to whom the Invitation to Propose was sent and a brief summary of each candidate:

- The Shaw Group
- Lisa Armbruster
- Steven Higgins
- Partners in Progress (Bob Gray)
- Hans Wilson
- Moyer Management Group/Trent Management

Ms. Stroud added that she had tried to keep the Invitation to Propose simple and there were no state legislation that requires any particular form. Mr. Mullins asked why this had been necessary since CEPD already had a Standard Operation Procedure for this. Ms. Rooker explained that there was not a Standard Operating Procedure and what had been developed previously was a Request for Qualifications for engineering consulting services only. Ms. Stroud continued by explaining the next steps in the process; they included a receipt deadline date for proposals of August 1, a Board Briefing Meeting on August 9 for possible interviews, and a final decision date of August 15 at the Regular Board Meeting.

Mr. Jensen asked whether it was necessary to include the requirements that were on page 2 of the Invitation to Propose, namely that prospective consultants are expected "to utilize the services of the existing two management sub consultants" and "the two sub consultants are anticipated to be retained for approximately \$135,000 yearly by the Proposer." Mr. Mullins asked where the \$135,000 came from. Chairman Boyle said this was an estimate he had given Ms. Stroud to give proposers a sense of what they might have to pay. Ms. Holzheimer asked whether either Ms. Rooker or Mr. Bralove had been talked to and whether "to say that someone else is going to pick up that contract" is an option since they are under contract to PIP. Ms. Rooker responded that she had not been consulted or involved in the Invitation to Propose process. Mr. Jensen said the requirements seemed strange to him. Ms. Stroud said that a modification to proposers could be issued. Mr. Jensen moved and Mr. Boyle seconded a motion to send a proposal modification to proposers that they were not restricted to hiring the existing consultants, that this was not an indication of the Board's unhappiness with the consultants' performance, and proposers were not held to the dollar amount as indicated in the original Invitation to Propose. Mr. Mullins said he needed time to read the entire Invitation to Propose and be able to provide a broader set of instructions. Chairman Boyle responded that this needed to be done now and Commissioners could come back at the next meeting with additional comments and suggestions.

Mr. Mullins asked Ms. Stroud about the progress on negotiating a one-year contract with PIP that was to go on simultaneously with the search for alternative providers. Ms. Stroud reported that she had received from Mr. Gray a page containing the terms he was proposing, including an 8.5% increase on the original contract. Ms. Holzheimer expressed her dismay about the whole process, particularly the process without any discussion with Ms. Rooker and Mr. Bralove. Mr. Mullins said he had a better alternative: contract with PIP for one year to give CEPD time to do a less rushed search, continue with Ms. Stroud's role, get more input from the Board, and get a more finely granulated list of qualified people. Mr. Mullins mentioned that he understood Ms. Rooker's non-compete clause ended in November. She responded that this was not correct. After further discussion and comments, Chairman Boyle called for a vote on the motion on the floor and it passed four to one with Mr. Mullins opposing it.

Mr. Mullins moved and Ms. Holzheimer seconded a motion to sign a one-year contract with PIP and continue the process of seeking alternatives at the end of that contract. After discussion, Chairman Boyle asked that the motion be read again and then called for a vote. The motion failed to pass with Mr. Jensen, Mr. Kaiser, and Mr. Boyle voting against the motion and Mr. Mullins and Ms. Holzheimer voting for it.

7. New Business

a) CP&E Hourly Professional Services Contract

Ms. Holzheimer moved and Mr. Kaiser seconded a motion to approve this contract. Mr. Mullins asked why this work is done piecemeal; why a more thorough, comprehensive contract cannot be negotiated. Both Mr. Keehn and Ms. Rooker provided explanations primarily having to do with the difficulty of anticipating needs and cost when there is so much that is not known. Mr. Jensen asked from what budget this money would be taken and Ms. Paul-Young said it came from the Capital Budget-Engineering Services and there was adequate money in it. Mr. Mullins moved and Mr. Kaiser seconded a motion to amend the original motion to increase the contract amount to \$20,000. The amendment passed unanimously. Chairman Boyle called for a vote on the amended motion and it passed unanimously.

b) CP&E Contract to Update and Prepare 2013/14 Local Government Funding Request

Mr. Keehn commented on this agenda item. After questions about the likelihood of CEPD receiving FEMA funding, Mr. Jensen moved and Mr. Boyle seconded a motion to approve this contract. The motion passed unanimously.

Chairman Boyle then moved the Agenda to discuss Agenda Item 8(a)

8. Administrator Report

a) Tropical Storm Debby

• Post Storm Conditions and Issues

Mrs. Rooker described post storm conditions including newly exposed old dog bone groins during low tide. The Board discussed the possibility of removing the groins during the next beach nourishment project.

○ Change Order Pre-Construction, 7 Year Monitoring and Post Storm Debby Survey and Report

Chairman Boyle gave the history of the original Pre-Construction Survey of \$52,691 that the Board had approved in April pending CEPD receiving notice the project had been reinstated by the ACOE. He explained that since this

funding was not forthcoming, the survey had not been done. Therefore, he explained, Mr. Keehn has revised the survey to include an expanded survey to include more survey lines particularly around Jensen's on the Gulf, the road, and the Village due to Tropical Storm Debby. He said FEMA will require a lot more lines than normally required. When completed, it can also be used to submit to the DEP for 7 year monitoring. Chairman Boyle said that whether or not CEPD receives ACOE or FEMA funding, the money will not be wasted since it can be used for the DEP monitoring. However, the cost has gone from gone from \$52,691 to \$70,705. Mr. Mullins moved and Mr. Boyle seconded a motion to approve this change order. The motion passed unanimously.

Chairman Boyle moved the Agenda back to Agenda Item 7(c).

7. New Business

c) Tentative 2012/13 Budget

Chairman Boyle explained that the budget the Commissioners were now looking at was a product of two Budget Workshops. He said the proposed budget includes a 28% or \$95,000 increase that emphasized moving the reserve figure from \$75,000 last year to \$125,000. It also includes the purchase of a beach vehicle, another parking lot meter, and other line item increases. Ms. Holzheimer expressed concern over the large increase. Chairman Boyle provided more details about some of the increases and also explained the impact on the millage rate, referring to Page 56(a) of the Agenda Materials. Mr. Mullins reminded the Commissioners that the strategy used in the past was to go for the higher number now; he said CEPD can always reduce it at the September meetings but cannot increase it.

d) 2012 Taxable Property Value

Mr. Rooker reported the 2012 Taxable Property Value, as reported by the Lee County Tax Appraiser, was \$1,223,086,036.

e) Approval of 2012 Tentative Millage Rate

Mr. Mullins moved and Mr. Jensen seconded a motion to approve a Tentative Millage Rate of .3764 for Form DR 420 reporting purposes. The motion passed unanimously

8. Administrator Report

a) Tropical Storm Debby

- **Army Corps of Engineers Assessment**

Ms. Rooker provided her observations and a chronology of events of the damage to the road at the bend just south of Jensen's on the Gulf, the repairs done to it, and other beach and dunes damage on Captiva. She said she sent pictures of the storm damage daily to the ACOE to get emergency funding and to encourage funding for the new project. The ACOE Assessment Team came on Saturday, June 30, and the Captiva Fire Department provided beach transportation and a driver to enable Ms. Rooker and the Assessment Team to survey the entire Captiva beach. The Lee County Division of Emergency Management received a copy of a report prepared by the assessment team and forwarded a copy to the CEPD.

- **State/FEMA Emergency Response**

Ms. Rooker continued her report on Tropical Storm Debby. Chairman Boyle said that Lee County Commissioner Manning was instrumental in having a State of Emergency declared in Lee County, thus making Captiva eligible for FEMA funding. Initially FEMA did not think that there was enough damage in Lee County. Ms. Rooker, with the help of Mr. Keehn, was able to convince FEMA there was significant damage on Captiva. FEMA subsequently sent a team to Captiva on Friday July 6, and looked at the beach jointly with Ms. Rooker and a representative from the ACOE. She referred the Commissioners to the "6/30/2012 Storm Damage Assessment Daily Summary" and the "FEMA Preliminary Damage Assessment Site Estimate" contained in the Agenda Materials. She said this work and these reports, along with reaching the minimum threshold for emergency funding for Lee County, will result in a full work plan and report. Chairman Boyle suggested the Summer Newsletter contain an article and pictures about the activities surrounding this event.

b) Important Dates

- **Tentative Budget Hearing Sept. 6 at 5:01PM, Regular Meeting at 3PM**
- **Final Budget Hearing Sept. 20 at 5:01PM**
- **August Regular Board Meeting on August 15 (3rd. Wed.)**

Chairman Boyle reminded the Commissioner of these dates.

c) FSBPA Conference Sept. 26-28

Ms. Rooker discussed the benefits of attending this meeting and what Commissioners needed to do to attend.

9. Public to be Heard

There were no comments.

10. Commissioner Comments

Mr. Kaiser thanked Ms. Rooker and the staff for all their hard work during Tropical Storm Debby.

Mr. Mullins brought up the problems with email and that there continued to be a public records issue. Chairman Boyle said it was not a public records issue but a problem with forwarding email. Mr. Mullins said a group needed to meet about this. Chairman Boyle agreed and suggested the group include a Google technical person and a public records expert. In the meantime, Chairman Boyle asked that anyone emailing Mr. Mullins use mycepd3@gmail.com.

Mr. Mullins requested that a meeting sign be posted on the door outside of the Wakefield Room prior to a meeting. Chairman Boyle said this would be done in the future.

Chairman Boyle reported on his observations of beach conditions when he toured the beach with Tim Garner of the turtle monitoring patrol.

Ms. Holzheimer asked about the Briefing Meeting tomorrow. Chairman Boyle said he did not think it was necessary since so much detail had been covered today. Mr. Mullins moved and Mr. Jensen seconded a motion to cancel the Briefing Meeting of July 12. The motion passed unanimously.

Adjourn – There being no further business, Chairman Boyle adjourned the meeting at 4:38 p.m.