

FINAL REVISED Minutes
of the Regular Meeting of the
Captiva Erosion Prevention District
South Seas Island Resort, Alpha Cone Room
December 9, 2019 @ 1:00 P.M.

Commissioners Present: Mike Mullins, Chair; Michael Lanigan, Vice Chair; Harry Kaiser, Secretary; Dick Pyle.

Excused: Bob Walter, Treasurer

Staff Present: Joe Wagenti, Carolyn Weaver, Sherry Kanzius

1. Call to Order
Chairman Mullins called the meeting to order at 1:00 p.m.
2. Roll Call
The chair called the roll and the results are outlined above.
3. Organization of the District Board Nominations
Chairman Mullins led the year's organization of the Board.
 - a. Chairman – Commissioner Lanigan nominated Mike Mullins continue as the Chair. Chairman Kaiser seconded the motion. Discussion ensued with Mr. Mullins indicating the position is currently creating a burden on his time and he would request a division of effort with the other Commissioners moving forward. Mr. Mullins was appointed in a 3:1 vote (Mullins voted no). Mr. Mullins accepted the appointment
 - b. Vice Chairman – Commissioner Lanigan nominated Bob Walter as the Vice Chair. Commissioner Pyle seconded the nomination. Bob Walter was unanimously appointed, assuming he is willing to accept the position.
 - c. Secretary – Commissioner Lanigan nominated Harry Kaiser to retain the office of Secretary. Commissioner Pyle seconded the motion. Harry Kaiser was unanimously appointed and accepted.
 - d. Treasurer – Commissioner Lanigan nominated Dick Pyle to the office of Treasurer. Commissioner Kaiser seconded the nomination. Dick Pyle was unanimously appointed and accepted.
4. Approval of November 12, 2019 Board Meeting Minutes
Commissioner Kaiser moved that the minutes be accepted with the revisions that were made and distributed in the final Agenda and Materials packet. Commissioner Pyle seconded the motion. Motion passed unanimously.
5. Public Comment
Joel Couette, City of Sanibel, reported on the Sanibel/Captiva Road Protection project. The DEP

permit was issued two weeks ago. Humiston & Moore sent the technical specs to the city. They are moving forward, currently waiting for costs numbers. The plan is to have the rip rap and bulkheads completed before turtle season starts on May 1, 2020.

Chairman Mullins discussed the Interlocal Agreement (ILA) between Captiva, Sanibel and Lee County that expired in 2015. Mr. Couette had reported back to James Evans after the last Board meeting that the 2020/21 Captiva Beach Renourishment was not to include any sand on Sanibel. Mr. Evans reached out to CEPD. Chairman Mullins spoke with him. There is a meeting on Wednesday between the county (Steve Boutelle), the city (James Evans) and CEPD (Chairman Mullins and Joe Wagenti) to discuss a new ILA and moving forward to include northern Sanibel (Bowman's Beach to Blind Fish Pass). More information will be available to the Board in January after the meeting.

Commissioner Lanigan asked when the current Sanibel project will start. Mr. Couette did not know, but anticipates more information after Mr. Evans meets with Mr. Boutelle.

Chairman Mullins shared that over the weekend he talked with Tom Pierro who indicated there is plenty of time to cultivate a new plan utilizing the maximum amount of sand for the project.

6. Financial Report ending November 30, 2019

Mr. Wagenti shared two concerns with the report: 1) there is \$16,000 in interest that had not been previously reported; 2) there is \$24,061.31 under "Monitoring – Sea Turtle" that needs to be moved to "Post Const Survey & Report." Commissioner Pyle requested that the report be finalized 3-4 days prior to the Board meeting for his review.

7. Administrator Presentation – CEPD Status

Mr. Wagenti discussed the components of the CEPD, specifically the Beach Engineering Projects. All categories contain three divisions; Component Description, Next Steps, and Outcome.

Project Scheduling/Strategy

Component Description:

- Reschedule to 2020/21/22
- Potential Flexible Construction Period
- Include Alternative Prevention Methods (eg. Sand Engine)

Next Steps:

- Obtain APTIM Cost Estimates for different project options and distribute to Board members
- Convene Board working sessions to discuss and finalize project schedule/strategy

Outcome:

- Board approved schedule and strategy

Improving Beach Access

Component Description:

- Additional Public Parking and Bike Racks

- Signage
- Trolley
- Other TBD Alternatives

Next Steps:

- Obtain and distribute APTIM analysis
- Establish a CEPD sub-committee to identify and recommend alternatives
- Need Board help to create partnerships to share existing Public parking

Outcome:

- Qualify for Federal funding
- Increase State funding

Chairman Mullins discussed the community sensitivity and the subcommittee being formed. He, Joe Wagenti and Steve Keehn will be meeting this Thursday to discuss other TBD alternatives. Commissioner Pyle stated that people need to know alternatives. Chairman Mullins mentioned using existing parking, or adding signs at Wightman or Laika. We are strictly in the analysis stage and looking for feedback. Commissioner Lanigan mentioned how he would never go down those lanes with the signs that are currently there. Commissioner Pyle would like the CEPD to remain a neutral party. Commissioner Lanigan stated that we have to make those decisions. Chairman Mullins discussed the possibility of providing a reduction to the people who are affected by the changes, possibly paying a share of the funding from that area. The community will either benefit or have consequences to any changes. Commissioner Lanigan raised the Ad Valorem issue. Chairman Mullins mentioned the deal that was made with Lee County and the property owners on those two lanes, making them private. He also mentioned that South Seas should do a feasibility study if they want to switch lots.

Project Funding consists of Federal Funding, State Funding, Lee County Funding, Funding for Sanibel northern reaches, Reserves/Storm Reimbursement, and Loan Funding.

Federal Funding

Component Description:

- Federal government possibly grant funding to qualified projects
- If federal funding provided, Army Corps of Engineers must manage the project

Next Steps:

- Reestablish relationship with Army Corps of Engineers
- Determine the gap, if any, between Captiva qualification for ACOE funding and ACOE requirements for funding
- Perform cost benefit analysis of ACOE involvement
- Improve Captiva qualifications if necessary
- Reapply for funding

Outcome:

- Cost benefit analysis of federal funding and ACOE involvement
- If cost beneficial, obtain Federal funding

Discussion in this area revolved around there still being no clear path with USACE. Chairman Mullins discussed the need for help from people who have experience with/understand lobbyist.

State Funding

Component Description:

- Obtain and optimize a timely FDEP Grant to partially fund the project

Next Steps:

- Find and engage an effective state level lobbyist to collaborate with CEPD to maximize FDEP and other state funding grants
- Coordinate and facilitate Grass Roots advocacy
- Enroll advocates into supporting CEPD funding (e.g., Chambers of Commerce, Lee County BOCC, and Legislative Delegation)
- Understand recoupment process

Outcome:

- Engage effective Lobbyists
- Optimal and timely FDEP funding

Mr. Wagenti mentioned the advocacy letters distributed in the November board packets. Commissioner Lanigan asked if the larger the project, the greater the share? No, the percentage rate does not increase. Commissioner Kaiser remembers the cost rises if the federal gets involved. Commissioner Lanigan said that at the panel meeting that was denied to be true by Chairman Mullins. Chairman Mullins said we need a cost benefit analysis by a company that does not have a special interest (as APTIM might). Mr. Wagenti asked about when the money comes in. He will talk with the bankers this week about that. Chairman Mullins reminded that the Captivans voted to support the cost at \$18M.

Lee County Funding

Component Description:

- Obtain an optimal and timely Lee County Grant to partially fund the project

Next Steps:

- Obtain bed tax data for each of the past 10 years/ ongoing
- Obtain sales tax data for each of the past 10 years/ ongoing
- Obtain statistics about federal, state, and county revenue generated by every \$1 of beach nourishment funding.
- Develop a whitepaper and talking points to justify optimal county funding
- Negotiate county funding / Understand recoupment process

Outcome:

- Documented sales and bed tax data and revenue statistics
- County funding whitepaper
- Optimal and timely Lee County funding
- Develop an SOP

Mr. Wagenti reported they are getting started with Lee County this week. Commissioner Lanigan asked if there is a template of the project on where the money comes from and how to get it? Mr. Wagenti reported we are looking into that. Chairman Mullins stated that there is a 2% administrative fee that can be added to the assessments when the property owners don't pay at one time. We should look into that. Commissioner Pyle asked how does Kevin Ruane stand on Captiva renourishments? Chairman Mullins said he has been supportive. Mr. Wagenti reported that there will be SOPs created for Federal, State and Lee County funding. Chairman Mullins is going to fight for the bed tax information to be used in a white paper to support increase funding by county.

Sanibel northern reaches Funding

Component Description:

- Obtain an optimal cost share to include Sanibel northern reaches in the project

Next Steps:

- Explore an ILA with Sanibel and Lee County
- Consider advance payment rather than arrears

Outcome:

- Incorporate Sanibel into project
- Increased DEP funding/ranking due to incorporation
- Funding for Sanibel northern reaches

Chairman Mullins reported that including Sanibel should increase the funding. Mr. Couette stated it is usually from Blind Pass to Bowman's Beach, which has significant public access. Also, he stated that Ding Darling has had some significant administrative changes.

Reserves/Storm Reimbursement

Component Description:

- Consider CEPD reserves and apply FEMA reimbursement from Hurricane IRMA to project cost when appropriate

Next Steps:

- Confirm fund balances with accountants

Chairman Lanigan asked if there is a sunset time on FEMA. Ms. Weaver answered yes, but it can be extended.

Loan Funding

Component Description:

- Obtain a bridge loan to pay project costs until receipt of funding from funding sources.

Next Steps:

- Engage Bond Attorney
- Negotiate the loan

Outcome:

- Schedule a bridge loan relative to project cost/funding sources

Oversight of Technical Project

Component Description:

- Maintaining an awareness of the project status and progress
- Ensuring the project is on budget, on schedule, and within quality and quantity requirements and escalating issues to the Board as necessary

Next (not immediate) Steps:

- Negotiate contracts with vendors
- Obtain project plan
- Periodically review performance against plan, escalating issues as necessary

Outcome:

- Technical project completed on time, on budget within quality and quantity requirements and, if not, contractual penalties paid by vendors

Project Communications

Component Description:

- Ensuring the stakeholders are informed about project status through beach briefs, newsletters, town hall meetings, public notices, newspaper advertisements, website, and board meeting.

Next Steps:

- Develop a communications plan for the project

Outcome:

- Captiva citizens, visitors, police department, and fire department are well informed throughout project
- Dynamic and intuitive construction schedules maintained on CEPD website starting as soon as dates are known

Chairman Mullins stated there will be a construction scheduled maintained on the website regarding the project on the beach.

Surge Protection

Component Description:

- Strengthening the dune system through increased vegetation, to be planted concurrent with sand placement

Next (not immediate) Steps:

- Work with APTIM to issue RFP
- Execute bid process and select vendor

Outcome:

- Increased vegetative dune coverage
- Better retention of sand between renourishment projects

Chairman Mullins mentioned Linda Laird asked if we can get plants managed not only when they are planted but also after they've grown.

Captiva Apportionment/Assessment

Component Description:

- Calculating, invoicing, and collecting each property owners share of the beach renourishment project cost

Next Steps:

- Revise apportionment methodology
- Finalize revisions with the Board

Outcome:

- Board approved apportionment methodology for the project

Mr. Wagenti reported this PowerPoint presentation is a working model that will have quarterly revisions. Commissioners shared concerns that it is important to get the word out now, and share the issues. Commissioner Lanigan requested a copy of the scoring the DEP uses be distributed to the Board members. Chairman Mullins shared he and Dave Jensen had reviewed the LGFR prior to the submission and didn't like the answers to their questions.

Commissioner Lanigan asked if the property owners are still paying for the 2013/14 renourishment when the first bill comes for the next renourishment? That will be researched and an answer given at the next board meeting.

Chairman Mullins discussed wanting to use the Redfish Pass sand instead, since that sand is closer, but it's use is limited to the northern half of Captiva only. HE also wants to institute the 2% administrative fee to accumulated reserves.

Discussion was held about delaying the renourishment by one year. Chairman Mullins stated that if we can give the time frame of anytime within 18 months, it brings down the costs.

8. ACTION ITEMS

- a. Resolution 2019-14
 ACTION REQUESTED: Approve Resolution 2019-14
 WHY ACTION IS NECESSARY: To approve Wiltshire, Whitley, Richardson & English, P.A. as new CPA for bookkeeping services. Monthly cost will be: \$2,500 for 2020; \$2,550 for 2021; and \$2,600 for 2022.
 WHAT THE ACTION ACCOMPLISHES: Approves switching from Stroemer & Associates to Wiltshire, Whitley, Richardson & English for CEPD accounting services.
 Commissioner Pyle made the motion to approve the contract for one year, with an early termination clause. Commissioner Lanigan seconded the motion. Mr. Wagenti read the Resolution into the record. Resolution approved unanimously with that change.
- b. Humiston & Moore Peer Review

ACTION REQUESTED: Approve motion to hire Humiston & Moore to peer review of the design reports for the upcoming nourishment project.

WHY ACTION IS NECESSARY: To approve time and materials professional services of Humiston & Moore NTE \$14,454

WHAT THE ACTION ACCOMPLISHES: Hires Humiston & Moore to complete a peer review for the upcoming nourishment project, cost NTE \$14,454

This is being carried over to the January meeting. We will ask a Humiston & Moore representative to attend that meeting to explain the scope of work.

c. Consulting Services – Partners in Progress (Bob Gray)

ACTION REQUESTED: Approve motion to provide monthly consulting services

WHY ACTION IS NECESSARY: To approve payment for administrative services NTE \$24,999 total during 2020

WHAT THE ACTION ACCOMPLISHES: To be used as needed for District support
Chairman Mullins reported that he, Bob Gray, and Joe Wagenti had 3 long, intensive days this last weekend. The cost will be \$2500 per working weekend and includes travel. Commissioner Kaiser voiced his concern about loading ourselves up with too many consultants. Chairman Mullins doesn't think we are. Work needs to get done and he's getting frustrated. Commissioner Lanigan stated Administration was not left in good standing to be run efficiently. He believes they should bring in a consultant at a reasonable rate.

Commissioner Lanigan made the motion to approve utilizing Partners in Progress for up to \$24,999. Commissioner Pyle seconded the motion. Motion carried unanimously.

d. Administrative Services

ACTION REQUESTED: Approve motion to continue to contract month-to-month with Joe Wagenti and Carolyn Weaver for administrative services

WHY ACTION IS NECESSARY: To approve payment for administrative services NTE \$24,999 total per month

WHAT THE ACTION ACCOMPLISHES: Keeps the same administration in place until employment is approved, offered, and accepted

Motion was changed to read, "Approve motion to authorize the Chairperson to engage administrative services NTE \$20,000." Commissioner Pyle moved and Commissioner Lanigan seconded. Motion carried unanimously.

Commissioner Lanigan asked if someone knows an HR person that could help us with this process. It was suggested we ask Commissioner Walter if his HR director could help.

e. Fifth Third Transfer

ACTION REQUESTED: Approve motion to transfer funds from checking account into an investment account at Fifth Third

WHY ACTION IS NECESSARY: To approve Administration to transfer the funds for investment

WHAT THE ACTION ACCOMPLISHES: Allows approximately \$3,000,000 to be used for investments instead of remaining in checking account gathering no interest.

Commissioner Pyle reported that there is \$3m in excess cash in a money market account. Commissioner Lanigan moved and Chairman Mullins seconded the motion. Discussion reviewed liquidity and the Bond Portfolio Analysis. Motion carried unanimously.

- f. Mark E. Raymond, Bond Counsel
ACTION REQUESTED: Approve motion to hire Mark E. Raymond at \$15,000 plus costs.
WHY ACTION IS NECESSARY: To approve costs associated with bond attorney for the 2020/2021 Beach Renourishment
WHAT THE ACTION ACCOMPLISHES: Hires Mark E. Raymond as Bond Counsel for the renourishment funding, at a flat rate of \$15,000 plus costs, to be billed at closing.

Commissioner Pyle moved and Commissioner Lanigan seconded. Discussion included that we Mr. Raymond has been our bond counsel for the last few renourishment projects; the other bid received was over \$27,000. The motion was unanimously passed as long as the \$15,000 rate is kept through 2022.

- g. SOP for Emergency Beach Cleanup
ACTION REQUESTED: Motion to approve SOP for Emergency Beach Cleanup
WHY ACTION IS NECESSARY: To set standard procedures for Administration to follow when experiencing emergency beach cleanup occurrences such as (but not only) dead fish during red tide events.
WHAT THE ACTION ACCOMPISHES: Sets standards that provide Administration with guidelines to follow during emergency beach cleanup occurrences.

Commissioner Pyle moved and Chairman Mullins seconded the SOP for Emergency Beach Cleanup. It was passed unanimously. Chairman Mullins asked that the staff create a system for SOP changes that are only small changes, like typographical errors, so they don't need to come before the Board again.

9. Old Business

- a. Emeritus Board Member
Rule 3.02 – Appointment of Emeritus Commissioner was brought before the Board. Commissioner Lanigan moved it be approved with the first line changed to read, "There shall be a category of Board member known as a Board Member Emeritus who is nominated **by the Chairperson** and elected by the Board of Commissioners." This was seconded by Chairman Mullins. It was approved unanimously.

Chairman Mullins nominated Rene Miville to the Board Member Emeritus position. Commissioner Pyle made the motion and Commissioner Lanigan seconded. Motion

carried unanimously.

b. Lobbying

Chairman Mullins stated he has no experience, although he has called on legislators personally. He'd like to reach out to subcommittees to help find a lobbyist. Mr. Wagenti stated that he reached out to our association memberships. Commissioner Pyle suggested Chauncy Goss. He will reach out to Mr. Goss. Chairman Mullins reach out to Mr. Pinsky. Peter Uchino from FSBPA gave us a name. Discussion held regarding contacted Lisa Armbruster, former FSBPA. Commissioner Pyle feels we should be able to get 3-4 choices by reaching out to contacts.

c. Update on Parking Lot

Mr. Wagenti reported on the final site plan. He wants to continue this project into permitting, which will take 90-120 days. This will provide 2 handicapped spaces and bring in the toilets. The pavers will be installed so that they are removable. The water and power are located at the corner of the lot and will need some construction to bring to where they need. We are currently spending \$130 monthly to store the trailer.

Commissioner Lanigan asked Mr. Wagenti to quantify how long it will take. Mr. Wagenti said he just met with the contractor. We'll get a proposed schedule from them and share it with the Board. We will lose about 6 parking spaces, partly due to the engineer only being willing to approve the area within the box (on the specs). The left side of the lot is owned by Lee County; the right side by South Seas Island Resorts.

Chairman Mullins discussed a contract that refers to a perpetual easement from the owner of the lot, a third party that has the title. We need to find that document.

Commissioner Pyle asked about losing a % of funding if we lose 6 spots; the answer is currently unknown.

Because the Board previously approved this project, there is no motion currently needed.

10. New Business

None

11. Commissioners Comments

None

12. Adjournment

The Chairman adjourned the meeting at 3:38 p.m.