

Minutes

Briefing Meeting of the Captiva Erosion Prevention District

11513 Andy Rosse Lane, Unit 4, Captiva, Florida 33924

April 4, 2013 @ 1:00 P.M.

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

Staff Present: Kathleen Rooker, CEPD Administrator; John Bralove, CEPD Assistant to the Administrator; Hans Wilson, Hans Wilson and Associates – via telephone

1. Call to Order

Chairman Boyle called the meeting to order at 1:05 P.M.

2. Roll Call

The roll was called and the results are outlined above.

3. ACOE Nourishment Project Status

Chairman Boyle reported that the Army Corps of Engineers had approved \$7.7 million for CEPD's 2013 nourishment project. He said the Corps would go out for bids on June 1 and award the contract(s) no later than July 15 with construction expected to begin August 1. He alerted Commissioners that CEPD would need to be prepared to deliver its share of the cost of the project up-front to the Corps before they go out for bids (June 1). He estimated the amount is \$10 million, not including Lee County's cost-share.

Regarding borrowing the money, Mr. Boyle said Mark Raymond, CEPD's bond attorney, had set a deadline of April 29 to receive proposals back from interested banks. Mr. Boyle said Mr. Raymond would attend a Board Briefing Meeting on May 2 to discuss the proposals that were received, the Commissioners would approve the loan resolution at the May 8 Board Meeting, and the loan would close on or before May 22, thus allowing CEPD to get the up-front money to the Army Corps by June 1.

Mr. Mullins said his experience from the last time CEPD sought financing was that it should not depend on just Mr. Raymond's contacts; CEPD should get independent bids. Ms. Rooker said Mr. Raymond had 10 banks that he intended to contact and if Commissioners had the names of other banks that could be contacted, they should let her know. Mr. Mullins suggested CEPD get a commitment from Mr. Raymond that he is not getting a referral fee from any of the banks and Mr. Boyle said CEPD would get such as statement from Mr. Raymond.

Mr. Boyle said the DEP will advance CEPD the state's share but it will require an amended grant agreement. The amended agreement is in process and will be brought back to the Commissioners for approval when it is ready. Both Mr. Mullins and Mr. Kaiser offered congratulations, which Mr. Mullins had already communicated in an email, to Ms. Rooker and

Mr. Boyle for their efforts over more than a year to secure this funding (federal and state) and to bring CEPD to this point.

Mr. Boyle said shorebird monitoring would have to begin on May 1. SCCF is going to submit a proposal to do the wildlife monitoring (both shorebird and turtle) for the Commissioners' review at next week's Board Meeting. Ms. Rooker mentioned that the specific shorebird monitoring is for Piping Plovers, that monitoring must be done twice a week, and it will continue for 3 years after completion of the project.

Mr. Mullins said he was concerned with some of the new Fish and Wildlife Service rules regarding critical habitat for loggerhead turtles that were being discussed. Ms. Rooker said discussion of this was on the May Board Meeting Agenda and that there is will be a period for public comments. She said that in particular CEPD should document that beach nourishment has helped nesting turtles.

Mr. Boyle said CEPD had all its permits including those which were necessary under the National Environmental Policy Act (NEPA). Mr. Mullins talked about the County's cost share and Mr. Boyle said his goal remains to get a 50-50 split. He added that he had hoped to have another draft of the Interlocal Agreement with Lee County available for discussion at the April 10 Board Meeting, but when he asked for a clean copy of the draft ILA from Steve Boutelle of the County, he received a copy that had 3 more provisions added to it that had not been discussed and so it is "back to square one." Mr. Boyle said that meetings were scheduled with County Commissioner Manning tomorrow (Friday) and Monday. Mr. Mullins suggested that if CEPD did not know what the County's cost-share is by the April 10 Project Information Meeting, the meeting be used to inform the public that the County is not contributing its fair share. Mr. Kaiser said that such action should not be taken until CEPD gets a definitive answer from the County.

Mr. Boyle went over the estimated costs of the project as contained in the Agenda Materials, showing \$19 for the Captiva segment and \$2 for the Sanibel segment. He added that the Captiva segment cost estimate is from the ACOE and the Sanibel segment cost is CEPD's estimate; the Corps is still computing this portion and should get the estimate to CEPD tomorrow. Ms. Rooker added that there is a 15% contingency included in the \$19 million. There was discussion about what the final cost to Captiva taxpayers might be. Ms. Rooker said she would email a copy of the cost estimate mentioned above to Ms. Holzheimer.

Discussion then turned to what the roles of Steve Keehn of CP&E and Hans Wilson might be in the upcoming project. Both Ms. Rooker and Mr. Wilson commented on what the two of them had discussed regarding his role – to provide supplemental support. Mr. Mullins objected to this because it would be in conflict and competition with CP&E and would therefore be a conflict of interest for Mr. Wilson. Mr. Wilson explained that what he was talking about was part of the service he provides under the current contract with CEPD and he was not proposing additional fees. Mr. Boyle said that Mr. Keehn would be coming over next week to discuss his possible role and then submit a proposal.

Mr. Jensen suggested that CEPD invite County Commissioner Manning to next week's Project Information Meeting. Mr. Mullins suggested all the County Commissioners be invited and Mr. Boyle said CEPD will invite all the Commissioners. Mr. Jensen suggested CEPD have a back-up

plan as to how things are communicated to the community if the County does not come up with a number CEPD is happy with. Mr. Jensen also suggested that CEPD provide a map of when and where construction is estimated to take place at the Informational Meeting. Mr. Boyle said he would share information about what is known at the time of the meeting. Mr. Jensen also recommended that CEPD be prepared to talk about the assessment at the Informational Meeting since he thinks the public perception may be that there will be no assessment. Mr. Mullins asked whether Sanibel had agreed to allow work 24/7 and Mr. Boyle responded that they had. Ms. Rooker alerted the Commissioners that the parking lot at Hagerup Beach would probably be closed during construction since it is likely it will be used as a construction staging area.

Adjourn

There being no other business, Mr. Boyle adjourned the meeting at 1:59 P.M.