

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
MINUTES

Date: February 19, 2019
8:00 A.M.

Held at
8756 Boynton Beach Boulevard, Suite 2100
Boynton Beach, Florida 33472

1. **Roll Call**

The meeting was called to order by the Chair, Charles Walsey, at 8:00 A.M.

The Chair then called the roll, and noted that all Supervisors, except Rick Elsner, were present.

In Attendance:

Board Members: Charles Walsey, Larry Portnoy, Pamela Duhaney and Don Johnson

District Engineer: Alan Wertepny

District Attorney: Peter Breton

Operations Manager: Robert Poyner, RLP Property Services, Inc.

2. **Approval of Agenda**

After a motion by Supervisor Duhaney and second by Supervisor Portnoy, the Board unanimously approved the Agenda.

3. **Approval of Minutes**

By motion by Supervisor Duhaney and second by Supervisor Portnoy, the Board unanimously approved the minutes of the Board of Supervisors' Meeting of January 22, 2019.

4. **Engineer's Report / State Road 7 Update / L-8 Basin Study**

The District Engineer handed out a written report (copy attached). He informed the Board on the latest activity in the L-8 Basin, which is the Lake Okeechobee Operating Schedule revisions. The USACOE is collecting public comments. He described the pre-2008 and post-2008 schedules. He described the improvements to the Hoover Dike and the control structures. He described the impacts of the water releases and the pressure to change the schedule. He explained how lowering the lake level will hurt the water supply and agriculture in Palm Beach County.

The Board asked the District Engineer to attend a meeting in Royal Palm Beach on the revised operating schedule.

5. **Operations Manager's Report / L-8 Report and Report on Status of Projects**

The Operations Manager distributed his written report and discussed it with the Board.

**Operations Manager's Report
February 19, 2019**

- On January 21, 2019 the offsite L-8 Canal elevation at the North Pump was 12.5 and the onsite elevation was 17.5 The South Pump offsite elevation was 12.5 and the onsite elevation was 17.5 Lake Okeechobee water level is 12.80 January level was at 12.37
 - Canals- Aquatic herbicide program to start June 2019.
 - 1st Quarter pump reports due April.
 - Picked up North pump & Installed. Possible additional repairs needed. (Discussion budget new pump 30K.) Invoice review.
 - Long reach was needed to clean debris from north pump station.
 - Fuel tank inspection. There are no leaks and tanks are working properly at this time. We had 7004 gal of fuel delivered on 2/8/19 and have used 0 gal since *delivery*. Pnuemricator panel needs to be replaced to pass inspection from ERM. Repairs should be complete this week.
 - Capital Improvement Projects and estimated cost.
 1. Replace south pump station.
 2. West canal sections 30&31. Repair washouts build dike.
Phase 1. South 3300 feet - Estimate \$12,000 to \$15,000. (Muck pockets could effect cost)
Phase 2. North 5850 feet - Estimate ???
 3. Rip Rap north pump station. Estimate \$6000.
 4. Rip Rap south pump station. Estimate \$3000.
 5. North canal Corbett. Fill washouts from Corbett. Estimate \$3000.
 6. Close canal section 34 SE corner. Estimate \$3500.00
 7. Clean canal bottom east side sections 30&31. Estimate \$12,000.
 8. Install 72" pipe NW corner section 30. Estimate pipe & install \$4000.
 9. Replace 60 feet of 72" pipe Carol Street & 59th. Estimate \$14,000.
 10. Replace 40 feet of 72" pipe center road section 20&21. Estimate \$2,000.
 11. Canal bank maintenance between sections 29&32. Estimate \$4000.
 12. Clean south outfall canal along 59th. Estimate \$7,500.
- Future projects clean both sides of district canal banks.
- Maintaining water system at 15.0 to 18.0
 - Corbett canal bank possible maintenance required. (WEST CANAL SECTION 30&31&19) ITID flooding of Moss Property. Corbett draining into COD canal system. (Currently draining in North canal) (OPTIONS) Filled ditches draining into south canal. Pipe to be removed at later date.

- FPL meeting with Matthew Silver to discuss site plan.
- The permanent drainage for the park has been installed. The scope of work is complete with the exception of one more pipe to be installed after farm season is over and summer water levels are being maintained.
- Future lake levels. (Army Corps, SFWMD & Governor.)
- Santa Rosa Groves discussion. Removal of non - permitted pipe connections. Santa Rosa received 60% of the needed votes for ITID.
- Tru-Flo has agreed to split the cost of the gooseneck adapters for the new pump. (\$1132.50 our cost)
- South pump station replacement discussion. Discussion of pump station removal. (Blasting canal bottom FPL.) Work in progress for blasting.
- New pump station to be installed at North pump location. Site work started 2/18/19.

Bobby Poyner said he has started relocating the pump from the south pump station to the north pump station. He said the blaster is on site today to make sure the site is ready. The blasting should be complete this week. The fabrication of the box is underway.

Peter Breton asked Bobby Poyner to get a copy of FPL's survey. He is meeting with an FPL representative.

Bobby Poyner said Santa Rosa has received 60% of the votes so it will be moving forward with ITID.

6. Treasurer's Report

The Treasurer reported that there was approximately \$425,000 in the bank at the end of January. He has issued checks for approximately \$25,000. We need \$200,000 for the recurring expenses for the rest of the calendar year. We need to plan for three more fuel fill-ups for \$45,000. The audit and insurance will be \$12,000. This leaves \$143,000 to work with. The north pump station will cost \$50,000.

7. Attorney's Report

The District's attorney had nothing to report.

8. Comments by Supervisors

There were no additional comments by Supervisors.

9. Comments by Public

There were no members of the public present.

10. Announcement of Next Meeting Date

There being no further comments from Supervisors and no comments by the public, the Chair announced that the next meeting would occur on March 18, 2019, at 8:00 A.M. at 8756 Boynton Beach Boulevard, Suite 2100, Boynton Beach, Florida 33472.

11. Adjournment

Upon motion by Supervisor Duhaney and second by Supervisor Portnoy, the Board unanimously voted to adjourn at 8:30 A.M.

Charles C. Walsey, Chair

Peter L. Breton, Secretary

ATTACHMENT: Engineer's Report

Cypress Grove Community Development District
District Engineer's Report
February 19, 2019

Lake Okeechobee Regulation Schedule - The U.S. Army Corps of Engineers has begun the process of obtaining public comments on revising Lake Okeechobee (LO) Operational schedule that has been in place since 2008. Prior to 2008 LO operated at higher level providing multiple benefits (flood protection, water supply, environmental and recreation). The lower 2008 optional schedule was put in place due to stability concerns for the Hoover Dike. To address this concern, the Corp has undertaken improvements to fortify the Dike and replace the control structure along the dike. Completion of the improvement are well underway but may take several years to complete, depending on Federal funding appropriations. Operation of LO with the 2018 schedule has provided increase flood protection benefits (reduced seasonal high lake levels) while negatively impacting other benefits such as water supply (reduce dry season storage, increase frequency of water shortages), environmental (increase discharges to tide with poor water quality). In anticipation of the Corp completing the LO improvement, the Corp has imitated the process to review and possibly revise the LO operational Schedule. The next scheduled public meeting in our area is set for February 28, 2019 SFWMD Governing Board Auditorium 2301 Gun Club Road, West Palm Beach at 5:30 pm to 7:30 pm.

State Road 7 Extension - Two legal strikes put roadway extension on hold indefinitely. **(No change from August 20, 2018)**

On August 8, 2018, a panel of three judges of the Fourth District Court of Appeals rescinded the South Florida Water Management District permit. The District legal department is evaluating the options.

On July 13, 2018, the Florida Department of Transportation (FDOT) notified the Contractor that the Project is on hold while FDOT is reviewing its options in light of an expired Northern Palm Beach County Improvement District Permit.

On June 13, 2018, the City of West Palm Beach and Northern Palm Beach County Improvement District entered into an Agreement to proportionally cost share (85% WPB, 15% Northern) for water quality improvements to IBIS Stormwater Management System. During the South Florida Water Management permitting of State Road 7 extension and subsequent litigation, SFWMD order both Northern and the City to take corrective actions to improve the quality of water discharged from the IBIS Stormwater Management System into the City's Grassy Waters Preserve. In exchange for the City's financial support for Northern's corrective water quality improvements, Northern agreed to terminate the Florida Department of Transportation SR 7 permit to discharge into the IBIS Development.

County Five Year Road Program Fiscal Year 2018 – FY 2022 (No change from January 22, 2019)

On December 18, 2018, the Palm Beach County Commissioners adopted annual adjustments to the 5-year roadway plan. Relevant projects included:

Seminole Pratt Whitney Rd. widening from 4 to 6 lanes from Orange to Northlake Blvd (1.8 miles) at a cost of \$10.5 million being in FY 2019 (October 2018-September 2019).

Seminole Pratt Whitney Road and Northlake Boulevard intersection improvements at a cost of \$6.7 million being in FY 2019.

Northlake Blvd East of Seminole Pratt Whitney Road east to Hall Blvd widening from 2 to 4 lanes (1 mile) at a cost of \$7.0 million being in FY 2019.

Northlake Blvd east of Hall Blvd. to Coconut widening from 2 to 4 lanes (2.4 miles) at a cost of \$1.0 million in FY 2019 and \$3.0 million in FY 2020 and \$5.2 million in FY 2021.

60th Street North West of 140th Avenue to Avocado Blvd. Study, design and right-of-way acquisition for a 3-lane road in FY 2019 – FY 2020.

60th Street North Avocado Blvd. to East of 120th Avenue North. Construction of 1.6 miles of three lane road at a cost of \$7.0 million in FY 2022.

SFWMD Water Use Permit – (No change from January 22, 2019)

The fourth quarter Water Use Pumping Report (October – December 2018) was submitted to SFWMD and is posted on the CGCDD website. Water usage through the 4th quarter totaled 3,544.8 million gallons (76% of the annual allocation). Historical usage for 2009-2019 is attached.

Santa Rosa Connection Permit (No changes from March 19, 2018)

Issues to be addressed before finalizing the permit application is as follows:

1. Legal Requirements
 - a. Correction of Applicant's Name
 - b. Documentation of easement or ownership of lands covering the two proposed drainage structures. Based on Property Appraiser's website and Peter Breton's February 12, 2018 email, Riccobono's Company owns the two parcels at the location of the proposed two pipe connections. However, neither Riccobono or Santa Rosa Groves, LLC has control over the lands to the east in Section 32.
 - c. Operation and Maintenance or Agreement with CGCDD for O&M.
2. Permit conditions to address:
 - a. Detail on the two pipe connections (2-24" CMP's with 30" risers, pipe length, pipe invert elevation, weir elevation in riser set at 18.5' NGVD, top of riser elevation +/- 20.5', locking mechanism)
 - b. Removal of two existing gravity canal connections along the north and east side of Section 32 to prevent irrigation water from leaving the Cypress Grove Community Development canals.

Santa Rosa/ITID Unit of Development (No change from January 22, 2019)

On January 8, 2019, Indian Trail Improvement District held a workshop with residents of Santa Rosa Grove. The attorney (Terry Lewis) for Santa Rosa Groves Homeowners Association reported that 30 landowners have provided positive responses in favor of formation of an active ITID Unit of Development. With 99 lots the Homeowner Association needs the support of 51 landowners to move forward with ITID. The manager for ITID (Rob Robinson) said that the preliminary estimate for rehabilitation of the drainage, roadway and swale system totals just over \$1 million, adding financing fee would place the assessments at \$223.78 per acre per year for a 10-year loan. If the residents decide to move forward with a ITID Unit, a complete engineering study and a revised cost estimate could result in increases.

Indian Trail Improvement District is waiting on information from Santa Rosa attorney. There are a number of legal issues on common area easements that require resolution. Some of the legal issues are identified in the attached email dated November 2, 2018 from Frank Palen (one of ITID attorney with Caldwell Pacetti).

On August 22, 2018, the Indian Trail Improvement District Manager provided an update on the July 25, 2018 Workshop and an August 7, 2018 meeting with Santa Rosa Property Owners Association Attorney to initiate transfer of roads and drainage easements to ITID. Per the current Association document, it requires two-thirds of the landowners to approve the road and drainage easements transfer to ITID. The Association Board has amended this requirement and will allow the transfer of the easements if 50 percent plus one of the landowners agree. The Association is contacting the landowners to determine if a majority of the owners are in favor of forming a ITID Unit of Development

On July 25, 2018 the Indian Trail Improvements District (ITID) Board of Supervisors held a workshop to discuss providing assistance to Santa Rosa landowners with drainage improvements and roadway maintenance issues. Santa Rosa is in the legislative boundaries of ITID. The workshop was well attended by ITID, Palm Beach County, South Florida Water Management District, CGCDD and Santa Rosa landowners. A copy of the attendance list is attached. ITID staff presented some preliminary cost estimates for drainage and roadway services, discussed legal issues, engineering consideration and a schedule for formation of an ITID Unit of development. Palm Beach County Mayor Melissa McKinlay and staff were there to offer support. SFWMD representatives noted that the Santa Rosa SFWMD permit was still valid for a 12,000 gallon per minute discharge pump station. CGCDD provide support, information on the operation of the CGCDD canal system and SFWMD operation of the L-8 canal. Santa Rosa Resident discussed their options and costs for moving forward with drainage and roadway improvements. The residents were not in favor in continuing with a homeowner's association but preferred working with ITID for formation of a Unit of Development. Residents understood that all cost for the improvements, operation and maintenance will be from assessment on their property. One of the first hurdles to be addressed by ITID is obtaining the easements for both drainage and roads. ITID committed to contacting the developer and property owners to obtain the easement rights. Progress on the formation of an ITID Unit of Development will be reported at their August 22, 2018 Board meeting.

Herbert Hoover Dike (No changes from September 17, 2018)

The construction contractor, Harry Pepper and Associates, continues to make progress on construction of replacement culvert structure while temporary culvert provides service. Current construction activities include: (1) installation of rebar, formwork and concrete placement for the Lake side head walls for the new culvert structure and (2) concrete pours on monoliths that will encase the newly installed culvert structures. Scheduled completion of the C-10A culvert construction contract is June 2020.

Website Update

The cgdd.org website has been updated with the minutes for the January 22, 2019 meeting and agenda for the February 19, 2019 meeting.