

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
MINUTES

Date: April 18, 2022
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 Secretary then called the roll, and noted that all Supervisors were present except Rick Elsner.

In Attendance:

Board Members: Charles Walsey, Larry Portnoy, Pamela Duhaney and Patrick Fogarty.
District Attorney: Peter Breton (via speakerphone)
District Engineer Alan Wertepny
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 March 21, 2022.

4. **Engineer's Report**

The District Engineer distributed a written report (copy attached). He reported on the Lake Okeechobee System Operating Manual adoption. Next, he reported on the Loxahatchee River Restoration Project. SFWMD adopted rules for protecting water resources in the Lox River system. Next, he reported on the Lake Okeechobee water levels. He reported that the SFWMD administrative hearing on the permit for the State Road 7 extension has been rescheduled to October 2022. He updated the Board on the County Five Year Road Program. He stated that there are no changes to the Section 29 Pontano water use agreement and the ITID Moss Property Pilot Pumping Project.

5. **Operations Manager's Report**

The Operations Manager submitted a written report (copy attached). He reported on the onsite and offsite water levels. He said he will start mowing next week. He received 6500 gallons of fuel and has used 2300 gallons. He reported on the status of the capital improvement projects. He reported on completed projects and the changes in priority of the remaining projects. The Treasurer asked if there is any work that has not been billed. Mr. Poyner said that there has been no additional work until this past Saturday when he started hauling brush. There is some burning left, but not very much. He estimated that the fuel will last another 6 weeks, but if it begins raining, it could last until October. He stated that fuel costs have doubled. Based on past history, he estimates that fuel will need to be purchased in October and again in late December. He said that there is nothing that is pressing that needs authorization at this time. He said that the replacement of the 72 inch pipe at 59th and Carol Street needs to be done in conjunction with ITID's road improvements, but there is uncertainty as when ITID will be able to start. He said that the cost of this project will depend on whether he can install the pipe wet or if he has to dam it up. He discussed whether the existing pipe will need replacement or can be patched. The pipe is 10 years old and is thin walled, low quality pipe. He will get pricing on a

replacement. He will keep in touch with ITID. He thinks that ITID's first priority is going to be drainage, not roads.

6. Treasurer's Report

The Treasurer said that we ended March with \$415,000. After taking into account operating and other expenses to the end of the calendar year, and two fuel deliveries, this leaves approximately \$30,000 for projects.

7. Attorney's Report

The Attorney stated that there was nothing to report. He said that next month, the preliminary budget will be presented for approval.

8. Comments by Supervisors

There were no further comments by Supervisors.

9. Comments by Public

There were no members of the public present.

10. Announcement of Next Meeting Date

The Chair announced that the next meeting would occur on May 16, 2022 at 8:00 A.M. at 8756 Boynton Beach Boulevard, Suite 2100, Boynton Beach, Florida 33472.

11. Adjournment

Upon motion by Supervisor Walsey, seconded by Supervisor Portnoy the meeting was adjourned at 8:36 A.M.

Charles C. Walsey, Chair

Peter L. Breton, Secretary

**Cypress Grove Community Development District
District Engineer's Report
April 18, 2022**

Lake Okeechobee System Operating Manual (LOSOM)

The U.S. Army Corps of Engineers (USACE) is on schedule to complete its re-evaluation of Lake Okeechobee operations by October 2022.

Activities completed to date included:

- Approved Project Management Plan and Review Plan**
- Public Scoping/Plan Formulation**
- Alternative Development and Evaluation**
- Prepare Draft LOSOM/NEPA (National Environmental Policy Act) document**
- Public Comment/Draft LOSOM/NEPA**

Activities to be Completed include:

- Prepare Final LOSOM/NEPA document..... April-May 2022**
- Final LOSOM NEPA document..... July 2022**
- Signed Record of Decision..... October 2022**

. After a series of amendments and revisions by a House-Senate conference committee, SB 2508 came out from the conference committee stripped from its attachment to the state budget and won quick approval from lawmakers. And now it's headed to Governor Ron DeSantis' desk. A provision in the bill requires water shortages within the Lake Okeechobee Region to be managed pursuant to Chapters 40E-21 and 40E-22, Florida Administrative Code. Any changes to such rules may not take effect until ratified by the Legislature and presented to the Governor.

Loxahatchee River Restoration

The SFWMD is proposing to amend consumptive use permitting criteria to protect water made available by the Loxahatchee River Watershed Restoration Project (LRWRP). The proposed rule development involves amending the existing Lower East Coast Regional Water Availability criteria to expand the definition of North Palm Beach County/Loxahatchee River Watershed Waterbodies to include the project components identified in the LRWRP.

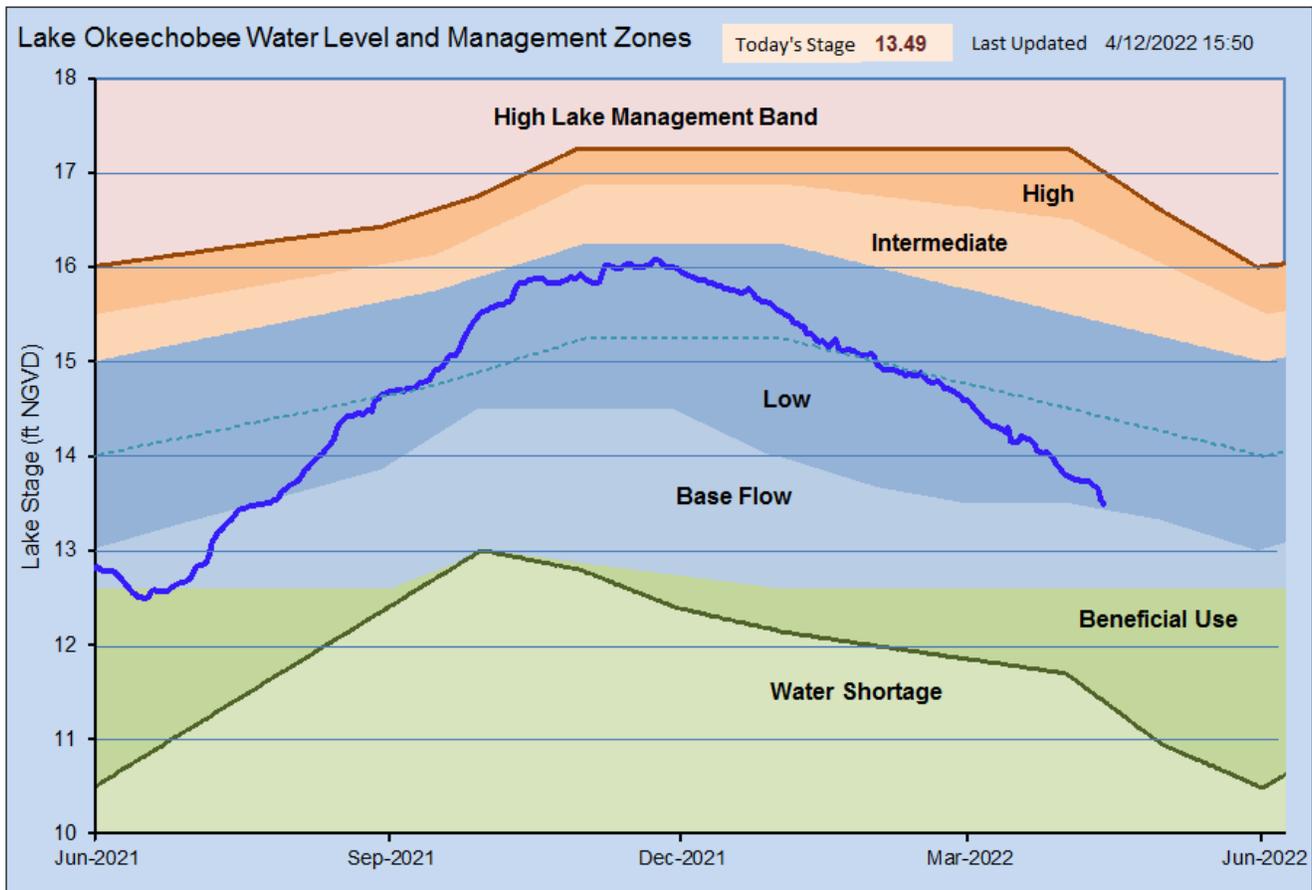
The rulemaking effort will also adopt rules to protect the groundwater associated with the project's aquifer storage and recovery wells that will be located at the C-18W Reservoir site. The need for rulemaking is twofold: 1) the Northwest Fork of the Loxahatchee River MFL [Rule 40E-8.421, Florida Administrative Code] identifies the Lower East Coast Regional Water Availability criteria as part of the MFL recovery

strategy; and 2) the LRWRP is a CERP effort that requires project water be protected. This water resource protection is a prerequisite for the SFWMD signing a Project Partnership Agreement (PPA) with the US Army Corps of Engineers for the LRWRP by September 2022. The existing Lower East Coast Regional Water Availability restricted allocation area boundary includes most, but not all, the areas in the LRWRP.

Several entities (Palm Beach County, City of West Palm Beach, Indian Trail Improvement District...) provided comments on March 7, 2022, on the proposed rule. All requested a better understanding of how the proposed rule's restrictions will impact existing consumptive and surface water management permits, permit modifications, permit renewals and new water users. As currently written, it appears that the Proposed Rule could impose water use limitations on existing users and new water users within North Palm Beach County. SFWMD reviewed the comments and made some revisions to the Draft Rule. This Proposed Rule was presented to SFWMD governing board on April 14, 2022 and was approved.

Current Lake Okeechobee Water Levels

On April 12, 2022, the Lake level was at 13.5 Feet NGVD. The one- year graph of the Lake Okeechobee water level and in the low management zone. The current level is 2 feet above the water shortage zone. Reported release from the Lake are south into Hillsboro/North New River, West Palm Beach Canal , Miami V-Canal and L-8 Canal, east to the St. Lucie Canal, and west into the Caloosahatchee River. L-8 stage at West Palm Beach M Canal was at 13.1 Feet NGVD.



SR 7 Extension from Okeechobee BLVD to Northlake Blvd

Palm Beach County and Florida Department of Transportation has submitted a new ERP permit application to South Florida Water Management District (Appl. No. 200930-4370). SFWMD has responded with its first request for additional information. SFWMD issued the permit on April 16, 2021. Between May and July, the City of West Palm made two petitions to SFWMD for an administrative hearing. SFWMD has dismissed both petitions on the grounds it contained only speculative and conclusory allegations. On July 2, the City responded to SFWMD second dismissal order, questioning SFWMD legal authority to deny an administrative hearing.

SFWMD has not provided a response. An administrative hearing is currently scheduled on this issue to begin in February 2022. It may take several months after that for the ruling by the administrative law judge to be issued. If the Department prevails at the hearing, permit issuance would follow thereafter, and the Department will reschedule a letting date.

According to Palm Beach County Roadway Production the SWMD Administrative Hearing has been rescheduled for October 2022.

County Five Year Road Program Fiscal Year 2021 – FY 2025

On December 7, 2021, the Palm Beach County Commissioners adopted an ordinance to amend the 5-year roadway plan. The first four items below are the status of local roadway project on the County's December 9, 2022, critical 5-year road program projects. The remaining three items below are on the County's adopted 5-year roadway plan.

Seminole Pratt Whitney Rd. widening from 2 to 4 lanes from Orange to south of Northlake Blvd (1.8 miles) at an estimated construction cost of \$10.7 million with an **estimated** beginning date of construction is February 2022.

Seminole Pratt Whitney & Northlake Blvd. intersection improvements at an estimated construction cost of \$5.41 million with an estimated beginning date of February 2022.

Northlake Blvd East of Seminole Pratt Whitney Road east to Hall Blvd widening from 2 to 4 lanes (1 mile) at an estimated construction cost of \$7.5 million with an estimated beginning construction date of August 2022.

Northlake Blvd east of Hall Blvd. to Coconut widening from 2 to 4 lanes (2.4 miles) at an estimated right-of-way acquisition and construction cost of \$7.0 million. Construction beginning in August 2022.

60th Street North from west of 140th Avenue to Avocado Blvd. An estimated cost of \$ 0.5 million for design, right-of-way acquisition and mitigation for a 3-lane road in FY 2022.

60th Street North Avocado Blvd. to East of 120th Avenue North. Construction of 1.6 miles of three land road at an estimated construction of \$6 million in FY 2023.

60th Street North from Seminole Pratt Whitney Road to 140th Street Avenue North. **An estimated cost of \$ 0.25 million for design of 2.7 miles of a 4-lane road in FY 2026.**

SFWMD Water Use Permit

The 2022 1st quarter SFWMD reports are due. Bobby is preparing the water usage records.

Section 29 Pontano (No update since June 2021)

Bobby is coordinating the Water Use Agreement for the 22 acres and water use allocation (3.06MG/M and 15.37 MG/Y. Per 6/15/21 telephone call with Bobby Pontano is considering expanding facilities and may need and Irrigation connection permit.

Indian Trail Improvement District Moss Property Pilot Pumping Project (No revisions since October 2021)

A 25 cubic feet per second pump station discharging from ITID M-1 Impoundment into the Moss/Corbett property have been installed. ITID has installed the monitoring equipment. The system is fully operational but pumping into the Moss property has not occurred.

Website Update

The cgdd.org website has been updated with the minutes for the March 21, 2022, meeting and agenda for the April 18, meeting.

Cypress Grove Community Development District

Operations Report

4/18/22

- On April 16, 2022 the offsite L-8 Canal elevation at the North Pump was 13.5 and the onsite elevation was 18.5 The South Pump offsite elevation was 13.5 and the onsite elevation was 18.5 Lake Okeechobee water level is 13.4 March level was at 14.17
- Canals- Aquatic herbicide in progress & canal bank spot treatment of Florida Holly.
- 1st quarter pump reports sent to Alan 4/15/22.
- Side Mowing ongoing.
- Pontano Farms water use.
- Fuel tank inspection. There are no leaks and tanks are working properly at this time. We had 6500 gal of fuel delivered on 3/3/22 and have used 2300 gal since delivery.
- Capital Improvement Projects and estimated cost.
 - 1.
 2. Clean Canal Bank Santa Rosa between section 31&32. (Estimate \$17,000.00) *
 - 3.
 4. Rip rap & reshape canal banks.
 5. Remove brush & reshape canal banks south pump station. Estimate \$5500.00 *
 6. Long reach summer maintenance \$10,000.00
 7. Marie CT Canal clearing & reshape canal banks.
 8. Clean canal bottom east side section 30&31. Estimate \$12000.00
 9. Close canal SE corner section 34. Estimate \$3500.00
 10. Replace 60 feet of 72 inch pipe at 59th & Carol Street. Estimate \$14000.00
 11. Canal bank maintenance between sections 29&32. Estimate \$5000. Louise St. *
 12. Replace 40 feet of 72 inch pipe center road section 20&21. 20ft of pipe needed. Estimate \$7000.00

New pump replacement. Option 1. \$37,644.00 Option 2. \$45,233.00

Future projects clean both sides of district canal banks.

- Item 10 Carol Street pipe replacement & canal bank cleaning Marie Ct & Louise Street prior to ITID road repairs. Discussion on adding two new 72" pipes Carol St & 59th. Additional pipe \$16,540.00. Two to three weeks for pipe new pipe delivery.
- ITID officially starting improvements at SRG. Review CDD & SRG projects.
- FPL using temp pump in section 28.
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