

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT  
BOARD OF SUPERVISORS  
MINUTES

Date: May 18, 2020  
8:00 A.M.

Virtual Meeting Via Communications Media Technology (Conference Call) per the Governor's  
Emergency Order No. 2020-69

**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 were present except Pamela Duhaney.

In Attendance by Conference Call:

*Board Members:* Charles Walsey, Rick Elsner, Pamela Duhaney (arrived at 8:05 A.M.), Larry Portnoy  
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 Elsner and second by Supervisor Portnoy, the Board unanimously approved the Agenda.

**3. Approval of Minutes**

By motion by Supervisor Elsner and second by Supervisor Portnoy, the Board unanimously approved the minutes of the Board of Supervisors' Meeting of March 16, 2020.

**4. Engineer's Report**

The District Engineer distributed his written report (copy attached).

On the State Road 7 Extension, Mr. Wertepny commented that in the future, a Corps of Engineers permit may not be needed due to the changes in the definition of Waters of the United States. The Corps may lose jurisdiction.

Regarding the water levels in the L-8 Canal, Mr. Poyner stated that the City of West Palm Beach has not been able to pump water from the canal for 2 weeks due to low water levels, high chloride levels, and algae. The City cannot pump when the water level is below 10 feet.

Concerning Yee Farms, after discussions between Yee's attorney and Attorney Breton, Yee is apparently going forward with the permit. Costa Farms and Yee Investments will have to work out their issues with the water supply.

Supervisor Portnoy said that he has not yet sent an invoice to FPL for permitting costs.

Mr. Wertepny said that Indian Trail Improvement District's attorney has not sent a proposed Memorandum of Understanding regarding the Moss Property Pilot Project.

**5. Operations Manager's Report**

The Operations Manager discussed his written report, a copy of which is attached.

Mr. Poyner explained that it was discovered during the installation of the new pump that the existing pump at the north pump station can be lowered 14 inches so that it can pick up water at a lower L-8 Canal elevation. He has obtained two quotes for a replacement pump. He recommends considering this next year.

**6. Treasurer's Report**

The Treasurer reported that as of the end of April the bank account had \$402,612. Checks totaling \$51,000 have been issued but have not cleared. Today, there is a bank balance of about \$355,000. He has issued another \$35,000 of checks. That leaves approximately \$319,000. He needs 7 months of normal operating expenses of \$25,000 per month. He needs to pay the insurance premium and the auditor's fee.

Attorney Breton then explained the proposed budget and assessment for FY 2020-2021. The non-ad valorem assessment to support the budget is \$75.39, the same as last year. He explained that this is the proposed budget. The final budget will be adopted at the August meeting. In response to a question by Supervisor Walsey, he explained that the assessment can be increased or decreased at the August meeting, since it is a non-ad valorem assessment and not an ad valorem tax. Non-ad valorem assessments are not subject to the restriction on increases after the TRIM notice has been sent.

Supervisor Elsner asked about the pump station replacement reserve, since we have completed the replacement. Mr. Breton said that the important number is the total amount of expenditures and that the line items can be changed. Supervisor Portnoy said he wanted to increase the line item for road grading by \$10,000 and move both the pump station replacement reserve and the repair and replacement amounts into pump operations and repairs. Supervisor Portnoy then made a motion to approve the proposed budget with these revisions. Supervisor Duhaney seconded and the motion passed unanimously.

Supervisor Portnoy then made motion to approve the non-ad valorem assessment rate for FY 2020-2021 of \$75.39 per acre. Supervisor Duhaney seconded and the motion passed unanimously.

**7. Attorney's Report**

Attorney Breton stated that the annual letter from the Supervisor of Elections stated that there were 4 voters residing in the District. He explained that when there are 500 voters, the voting for the Board of Supervisors changes from one acre/one vote to one person/one vote. Supervisor Portnoy moved to approved the finding by the Supervisor of Elections that there are 4 voters residing in the District. Supervisor Johnson seconded and the motion was unanimously approved.

**8. Comments by Supervisors**

There were no comments by Supervisors.

**9. Comments by Public**

There were no members of the public present on the conference call.

**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 June 15, 2020 at 8:00 A.M. and would be a virtual meeting via conference call.

**11. Adjournment**

The meeting was adjourned at 8:50 A.M.

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Charles C. Walsey, Chair

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Peter L. Breton, Secretary

**Cypress Grove Community Development District  
District Engineer's Report  
May 18, 2020**

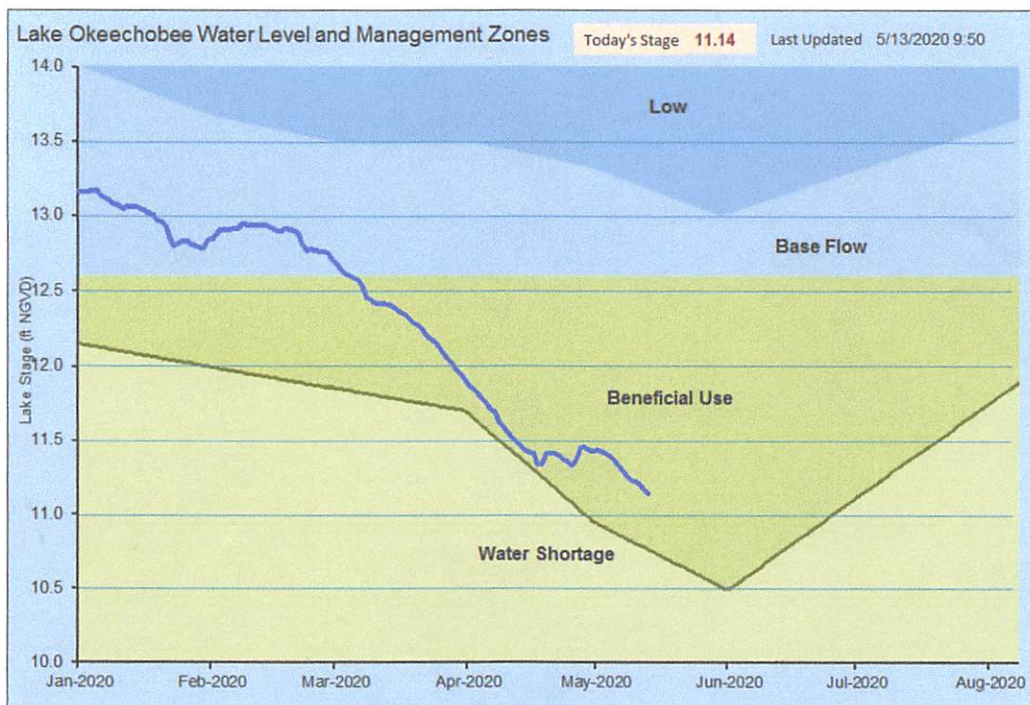
**Lake Okeechobee System Operating Manual (LOSOM) 2022**

The U.S. Army Corps of Engineers (USACE or Corps) is developing a new Lake Okeechobee System Operating Manual (LOSOM). As part of that operation manual the Corps is not intending to include the Saving Clause of the Water Resources Development Act 2000 which guarantees the preservation of existing legal authorized water supplies in existence at the time of the Act, as well as the provision of water supplies to meet future demands through the implementation of those projects identified within WRDA 2000. Corps justification for this position is that LOSOM is not a project included in the Comprehensive Everglades Restoration Plan (CERP).

**On May 10, 2020 the Palm Beach Post reported that U.S. Sugar and more than 50 groups (including SE Florida Utility, LWDD, WPB, Chamber of Commerce of the Palm Beaches, Miccosukee Tribe of Indians,) are in favor of including the Saving Clause in WRDA 2020. The House of Representatives advocated adding the saving clause to the Act. The Senate version does not include the clause. The Congressional debate is underway.**

**Current Lake Okeechobee Water Levels**

As of April 10, 2020 the Lake level was at 11.65 Feet NGVD. The one- year graph of the Lake Okeechobee water level and management zones is shown below. The current level is about 0.5 feet above the water shortage zone.



**State Road 7 Extension** On July 17, 2019 Florida Department of Transportation and Palm Beach County submitted letters to South Florida Water Management District requesting to withdraw the Environmental Resource Permit (Acreage Reliever Road Application No. 150410-S). The request was granted. **In May of 2020 the Corps permit will be revoked because of lack of progress with other required environmental permits.**

### **County Five Year Road Program Fiscal Year 2020 – FY 2024 (No change since January 21,2020)**

On December 17, 2019, the Palm Beach County Commissioners adopted an ordinance to amend the 5-year roadway plan. Construction 2019 were increased.

Seminole Pratt Whitney Rd. widening from 4 to 6 lanes from Orange to Northlake Blvd (1.8 miles) at a construction cost of \$11.5 million being in FY 2019 and \$600,000 in FY 2020.

Seminole Pratt Whitney Road and Northlake Boulevard intersection improvements at a construction cost of \$6.8 million being in FY 2019 and \$600,000 in FY 2020.

Northlake Blvd East of Seminole Pratt Whitney Road east to Hall Blvd widening from 2 to 4 lanes (1 mile) at a construction cost of \$6.2 million and \$800,000 for construction in FY 2020.

Northlake Blvd east of Hall Blvd. to Coconut widening from 2 to 4 lanes (2.4 miles) at a cost of \$1.1 million in FY 2019 and \$2.6 million in FY 2020 and \$5.6 million in FY 2021.

60<sup>th</sup> Street North West of 140<sup>th</sup> Avenue to Avocado Blvd. Study, cost of \$1.6 million, design and right-of-way acquisition for a 3-lane road in FY 2020 and \$100,000 for study, right-of-way acquisition and mitigation in FY 2022.

60<sup>th</sup> Street North Avocado Blvd. to East of 120<sup>th</sup> Avenue North. Construction of 1.6 miles of three lane road at a cost of \$200,000 for right-of-way and mitigation in FY 2020 and construction cost of \$7 million in FY 2022.

### **SFWMD Water Use Permit**

**First quarter usage report for January through March was submitted to SFWMD.**

**On April 7, 2020 Bobby Poyner sent an email to Beverly Miller (SFWMD ROW permitting) concerning the current lower L-8 stages due to shortage of Regional water and SFWMD /ACOE operations of water delivers to the L-8 canal (Lake O, L-8 Reservoir, L-8 Divide Structure) and issues with CGCDD ability to get water from the L-8 canal (intake elevation of CGCDD culverts, gas line location and ROW, SFWMD constraints). Beverly response suggested contacting SFWMD engineering and water use staff to discuss CGCDD initiating corrective measures and permitting the improvements with SFWMD. Instead of pursuing this option Bobby has initiated closer coordination with SFWMD operational personnel and participating in local special district conference calls with SFWMD on water conditions.**

### **Herbert Hoover Dike (No changes since February 18, 2020)**

On February 11, 2020 the Corps Project Manager (Ingrid Bon) for the Herbert Hoover Dike Project provided an update to the Palm Beach Chapter of American Society of Civil Engineers. Total project costs for the dike rehabilitation and replacement of 32 culverts/structures is \$1.8 billion. Florida provided \$100 million with the remaining being Federal dollars. All construction features of this project are scheduled to be completed in 2022. Culvert 10A (L-8/Okeechobee control structure) is scheduled to be completed in July 2020. The discharge capacity of this structure is 12,000 cubic feet per second.

### **Loxahatchee River Restoration Local Initiative (One minor change after March 3, 2020)**

**On April 8, 2020 Lt. General Todd T. Semonite signed the Chief of Engineers Report for the Loxahatchee River Watershed Restoration Project. This allows the report to be reviewed by the Secretary of the Army's Civil Works and Office of Management and Budget. Following their review, the project will be formally transmitted to Congress for future authorization.**

**The Chief's Report did not include the local initiative to allow some flexibility to replace the Mecca Reservoir with alternative water storage options.**

### **Yee Family Farms Irrigation Connection Permit**

**Yee Farms irrigation application permit and Water Use Agreement is complete. All that remained since March 16, 2020 is to release the permit is payment of engineering and administrative fees. Bobby Poyner is coordinating with applicant. Payment by Yee Family Farms is on hold pending resolution of CGCDD water use agreement requirement for prohibiting Yee Farms from blocking the flow of water to other legal users (e.g. Costa). No resolution to date.**

### **FPL Sabal Palm Solar Energy Center Drainage Connection Permit**

**Permit was issued on April 3, 2020. Final engineering billings for permit review and coordination was sent to Larry Portnoy on April 7, 2020 for CGCDD invoicing to FPL.**

### **Indian Trail Improvement District Moss Property Pilot Pumping Project (minor update since March 16, 2020)**

On September 30, 2015 ITID received a permit from the Florida Department of Environmental Protection to implement a rehydration project of the Moss Property north of CGCDD North Outfall Canal. The permit allows discharges from ITID M-1 impoundment (NW corner) into the Moss Property by a temporary portable pump with an initial allowable rate of up to 15 cubic feet per second (cfs) and potentially a 50 cfs discharger pump.

On February 21, 2020 a meeting was held at Stormwater J Engineering office with CGCDD representatives and GL Homes. The meeting was attended by Rick Elsner (GL Homes); Alan Wertepny and Bobby Poyner (CGCDD); and Jay Foy and Kyle Grandusky (Stormwater J); and Rob Robinson (ITID). ITID expects to let bids, select a contractor and install the pilot pump this year. It should be operational by the end of 2020 and operate on an as-needed basis for two years. As part of the pilot operation, the permit, a detailed water quality sampling plan, a water level monitoring plan, and a vegetation data collection plan was coordinated with Florida Fish and Wildlife Conservation Commission and SFWMD location of the monitoring location is attached (Exhibits 4 and 5 of 5).

It was determined that the best way to address CGCDD and GL Homes' operational concerns related to overland flow was through a memorandum of understanding with ITID. ITID attorney will be drafting a memo for review and comments. On March 3, 2020, Kyle Grandusky provided an email documenting the meeting and a copy of the FDEP permit. Also, on March 3, 2020, Alan Wertepny provided the attached LiDar Exhibits and comments on the proposed pilot study and potential impacts to CGCDD. These included:

1. Conditions of operation of the pumping is unknown at this time (when, frequency, duration, maximum stage level in Moss Property, etc.).

2. Most of the lands adjacent to ITID impoundment and CGCDD canals in the Moss Property are higher with possibly three exceptions.
  - a) Drainage Ditch/canal north of CGCCD outfall canal has a low spot at elevation 18 feet NGVD. This will need to be diked.
  - b) A portion of the area west of the above drainage ditch may require additional fill.
  - c) CGCDD N/S Canal (north of CGCDD outfall canal) west bank has a low area at elevation 18 feet NGVD that will need to be filled/diked.
3. Minimum north bank of CGCCD outfall canal is near elevation 20 feet NGVD.
4. Seven (7) days of ITID pumping operation and no rainfall may be acceptable with some minor improvements to three areas noted above.
5. Thirty (30) days of ITID pump operation and no rainfall is problematic.
6. Any potential adverse impacts to CGCDD must be addressed and mitigated before any pumping activity is initiated by ITID.
7. Any establishment of a maximum stage in Moss property when ITID pumping must stop should include a freeboard allowance for direct rainfall.
8. An operational plan including dike improvements, installation of additional staff gauges should be jointly developed and include in a memorandum/agreement between ITID and CGCDD.

As a follow-up to Alan's March 3, 2020 email, Jay Foy responded:

1. We want to cooperate and definitely not cause CGCDD any issues.
2. We realize that the Moss Property project will need modifications should this ever be more than a pilot program.
3. The stage storage maps are fabulous, and as we are aware, there is already water there. The stages could be higher and do not account for discharge out of Moss which will result in lower stages. **In response, Bobby Poyner conducted a site visit and verified that there are no existing culverts providing drainage from the Moss Property into the L-8 Canal.**

**To date there has been no progress on this issue.**

### **Website Update**

**The cgddd.org website has been updated with the minutes for the March 16, 2020 meeting, agenda for the May 18, 2020 meeting and proposed budget for 2020-2021.**

# Cypress Grove Community Development District

## Operations Report

5/14/20

- On May 14, 2020 the offsite L-8 Canal elevation at the North Pump was 10.5 and the onsite elevation was 16.8 The South Pump offsite elevation was 10.9 and the onsite elevation was 16.6 Lake Okeechobee water level is 11.08 January level was at 12.62
  - Canals- Aquatic herbicide in progress.
  - 1<sup>st</sup> Quarter reports submitted to Alan.
  - Yee Farms water permit update.
  - New pump station updates.
  - Fuel tank inspection. There are no leaks and tanks are working properly at this time. We had 7000 gal of fuel delivered on 3/19/20 and have used 5245 gal since delivery. Pnuemricator has been replaced. Sensors need to be serviced. (Electrical improvements are complete)
  - Capital Improvement Projects and estimated cost.
    1. West Canal phase 2. 6000 feet
    2. South canal repair road clean needed sections of canal. Estimate \$5000.00
    3. Long reach in September. South canal, N&S canal at pump stations. Estimate \$9000.00
    4. Install 20 feet of 72 inch pipe NW corner section 30 Estimate \$3500.00
    5. Burn Brush Sec 29 canal bank. Estimate \$800.00
    6. Remove Trees canal bank N. main canal. (Ricks pet peeve) Estimate to remove \$6000.00 Disposal??
    7. Remove brush & reshape canal bank south pump. Estimate \$5500.00
    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 59<sup>th</sup> & Carol Street. Estimate \$14000.00
    11. Canal bank maintenance between sections 29&32. Estimate \$5000.
    12. Replace 40 feet of 72 inch pipe center road section 20&21. 20ft of pipe needed. Estimate \$7000.00
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New pump replacement. Option 1. \$37,644.00 Option 2. \$45,233.00

Future projects clean both sides of district canal banks.

- Hundley Farms asking for new connection into south outfall canal. SW corner Sec 31.
  - Corbett canal bank maintenance required. (WEST CANAL SECTION 30&31&19)
  - Holland Pump update.
  - FPL water permit.
  - ITID flooding of Moss property.
  - SFWMD
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  - Costa Farms pump permit.
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