

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
MINUTES

Date: June 15, 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 Vice Chair, Rick Elsner, at 8:05 A.M.

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

In Attendance by Conference Call:

Board Members: Rick Elsner, Pamela Duhaney, 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 Duhaney and second by Supervisor Johnson, 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 May 18, 2020.

4. Engineer's Report

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

He noted that the Lake Okeechobee water level was 1.5 feet about the water shortage level. In response to a question by Sup. Portnoy, Operations Manager Poyner said that the water level in the L-8 Canal is perfect and that no one in the District is needing water at this time. In response to a question from Sup. Elsner, he said that he is not pumping and due to the recent rains, he is discharging water.

He said that there is no construction activity by the County on Seminole Pratt Whitney Boulevard or Northlake Boulevard.

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

Mr. Wertepny said that Indian Trail Improvement District has made progress with the Moss Property Pilot Project and described recent activity.

5. Operations Manager's Report

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

Mr. Poyner said that now that the new pump at the north pump station is complete, it must be calibrated. He will get with the District Engineer to schedule the calibration.

The Treasurer asked about the final invoice for the new pump and Mr. Poyner said he would be providing it later in the day. They clarified several items on invoices from Holland and Tru-Flow.

He asked the Board to think about his suggestion to replace the existing pump at the north pump station with a longer pump, as described at the May meeting.

Mr. Poyner said that he will be meeting with FPL to coordinate on the commencement of construction of the solar energy project. Sup. Elsner asked to be informed of the time and place so he can attend.

6. Treasurer's Report

The Treasurer reported that as of the end of May the bank account had \$349,000.

He said that he has received and distributed copies of the financial audit report for the fiscal year ending September 30, 2019. Everything in the audit looks fine and there are no adverse findings. He will send two hard copies to Attorney Breton for filing with the Auditor General.

Supervisor Portnoy then made motion to accept the financial audit report. Supervisor Elsner seconded and the motion passed unanimously.

7. Attorney's Report

Attorney Breton stated that he had nothing to report this month.

He told the Board that the deadline for filing their individual financial disclosure forms with their Supervisor of Elections is July 1. Sup. Elsner said that he had not received his form in the mail.

8. Comments by Supervisors

Sup. Portnoy asked the District Engineer about the County's local initiative for the Mecca Reservoir which included G. L. Homes' western properties and SFWMD's lack of analysis of the three options involving G.L Homes' land. Mr. Wertepny explained that the County had approached SFWMD to support the local initiative but SFWMD has not agreed to support it with the Corps of Engineers. He gave his opinion that it was unlikely that the local initiative will be approved. He discussed the status of the Water Resources Development Act and how the project fits in.

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 July 20, 2020 at 8:00 A.M. and would be a virtual meeting via conference call.

11. Adjournment

The meeting was adjourned at 8:35 A.M.

Charles C. Walsey, Chair

Peter L. Breton, Secretary

**Cypress Grove Community Development District
District Engineer's Report
June 15, 2020**

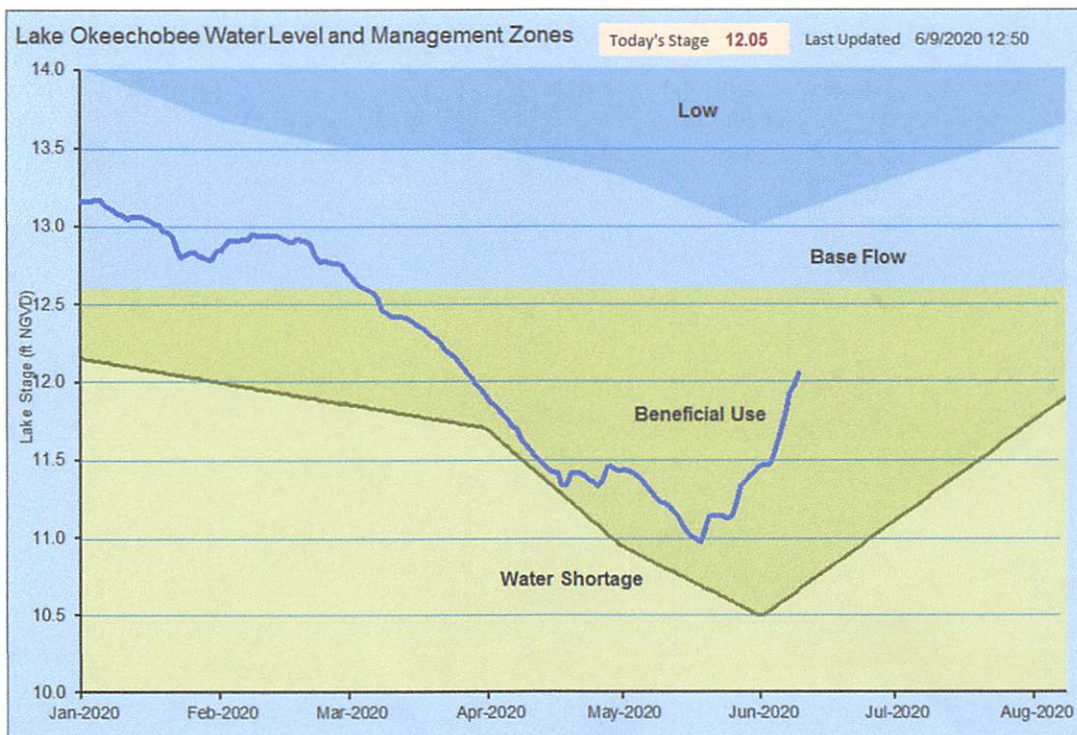
Lake Okeechobee System Operating Manual (LOSOM) 2022 (No changes since February 18, 2020)

The U.S. Army Corps of Engineers (USACE or Corps) is developing a new Lake Okeechobee System Operating Manual (LOSOM). The LOSOM project began in February 2019 with National Environmental Policy Act (NEPA) scoping meetings and is expected to be completed by October 2022 with the Record of Decision. During a recent meeting of the LOSOM Project Delivery Team, the Corps staff indicated they do not consider 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 are applicable to LOSOM. Corps justification for this position is that LOSOM is not a project included in the Comprehensive Everglades Restoration Plan (CERP)

In a letter to the Corps dated January 30, 2019 the Southeast Florida Utility Council took exception to this position (Refer to attached letter). SEFLUC believe the failure to incorporate the requirements of the Saving Clause in the development of LOSOM would be contrary to the requirements of existing Federal and State law and regulations. SEFLUC provided applicable Codes of Federal Regulations and Florida Statutes. It is also my understanding that South Florida Water Management District as the local sponsor for CERP was requested to weigh-in on the State position on this issue.

Current Lake Okeechobee Water Levels

As of June 09, 2020 the Lake level was at 12.05 Feet NGVD. The one- year graph of the Lake Okeechobee water level and management zones is shown below. The current level is 1.3 feet above the water shortage zone.



State Road 7 Extension (No changes since May 18, 2020) 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. On May 07, 2020 the U.S. Army Corps of Engineers revoked its dredge and fill permit for filling 60 acres of wetlands due to failure to acquire state permits. Florida Environmental Protection is in the process of administering the Corps program.

County Five Year Road Program Fiscal Year 2020 – FY 2024 (No changes 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.

60th Street North West of 140th 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.

60th Street North Avocado Blvd. to East of 120th 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 (No changes since May 18, 2020)

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). No response from SFWMD to date.

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 (No changes since May 18, 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.

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 **Confirm billing status with Larry Portnoy.**

Indian Trail Improvement District Moss Property Pilot Pumping Project

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 LiDar Exhibits and comments on the proposed pilot study and potential impacts to CGCDD. **Copies of the Exhibits are included in the March 16, 2020 CGCDD minutes.** 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 (15 cfs or 50 cfs) and no rainfall maybe acceptable with some minor improvements to three areas noted above.
5. Thirty (30) days of ITID pump operation (**greater than 15 cfs but less than 50 cfs**) and no rainfall **maybe** 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.

ITID has been moving forward with its pilot project as reported in ITID District Engineers report for the June 10, 2020 meeting:

On April 23, 2020 ITID received bids for the purchase and installation of a 25 cfs stormwater pump and associated facilities (fuel storage tank, 24 inch diameter steel piping, intake screen, diffuser and riprap, access road stabilization, site restoration and 3 stilling wells/monitoring platforms).

On May 13, 2020 ITID Board of Supervisors awarded the contract to Boromei Construction, Inc. and authorized the President to sign the construction contract subject to receipt of contract documents and legal and engineering review.

On June 10, 2020 I contacted Jay Foy on the status of the Memorandum of Understanding. After some researching, he found a draft MOU prepared by Kyle Grandusky. Jay and ITID attorney will review and we should get a copy soon.

Website Update

The cgdd.org website has been updated with the minutes for the May 18, 2020 meeting and agenda for the June 15, 2020 meeting.

Cypress Grove Community Development District

Operations Report

6/15/20

- On June 14, 2020 the offsite L-8 Canal elevation at the North Pump was 12.3 and the onsite elevation was 17.4 The South Pump offsite elevation was 12.4 and the onsite elevation was 17.4 Lake Okeechobee water level is 12.19 May level was at 11.08
- Canals- Aquatic herbicide in progress.
- 2nd Quarter reports due July.
- 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 5775 gal since delivery. Pnuemricator has been replaced. Sensors need to be serviced.
- 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. 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 59th & 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

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 update.
- ITID flooding of Moss property.
- SFWMD calls are now monthly.
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- Costa Farms pump permit.
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