

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
MINUTES

Date: August 17, 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.

In Attendance:

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

District Attorney: Peter Breton

District Engineer Alan Wertepny

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

2. Approval of Agenda

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

3. Approval of Minutes

By motion by Supervisor Duhaney and second by Supervisor Johnson, the Board unanimously approved the minutes of the Board of Supervisors' Meeting of July 20, 2020.

4. Engineer's Report

The District Engineer distributed his written report (copy attached) and discussed it with the Board.

Supervisor Walsey stated that there should be a hold harmless clause in the memorandum of understanding with ITID for the operation of the pump at the Moss Pilot Project. Attorney Breton said he would take that into account in his review of the document. Attorney Breton asked when the pump was expected to go into operation. Mr. Wertepny said that there is a construction contract in effect and that the pump may be complete within 60 days. Supervisor Duhaney asked how notice should be given to shut down the pump. Mr. Wertepny said verbally with a follow up letter or email. Mr. Wertepny said the point of contact for ITID is Rob Robinson. Supervisor Walsey asked if ITID is going to repair the dike around the property. Mr. Wertepny said the pilot project does not include any dike repairs. Supervisor Walsey asked if ITID is going to operate the pump as a last resort. Mr. Wertepny said they are going to operate the pump whenever they can to rehydrate the Moss Property. ITID will notify us when they operate the pump and we will have to wait and see how often that is. Mr. Poyner said that by the time the water starts causing a problem, it is too late to stop it by shutting down the pump, depending on the water levels and rainfall.

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

The Operations Manager distributed his written report (copy attached) and discussed it with the Board.

6. Treasurer's Report

The Treasurer reported that the bank balance is approximately \$210,000 but a number of checks have been issued. After writing the current checks will be approximately \$158,000. We need \$100,000 for the next four months for normal expenses. After paying for fuel and insurance, this will leave \$18,500 available.

The Board discussed the proposed FY 2020-2021 budget and decided not to make any changes.

7. Public Hearing on 2020-2021 Budget and 2020-2021 Non-Ad Valorem Assessment Rate

The Chair opened the public hearing on the FY 2020-2021 budget and FY 2020-2021 non-ad valorem assessment. There were no public comments and the Chair closed the public hearing.

8. Motion to Adopt Resolution Approving 2020-2021 Budget

Supervisor Portnoy made a motion to approve the FY 2020-2021 budget as presented in Resolution No. 20-2. Supervisor Duhaney seconded and the motion was unanimously adopted.

9. Motion to Adopt Resolution Approving 2020-2021 Non-Ad Valorem Assessment Rate

Supervisor Portnoy made a motion to approve the FY 2020-2021 non-ad valorem assessment as presented in Resolution No. 20-3 at the rate of \$75.39 per acre. Supervisor Johnson seconded and the motion was unanimously adopted.

10. Attorney's Report

The District Attorney said he had nothing to report this month.

11. Comments by Supervisors

There were no additional comments by Supervisors.

12. Comments by Public

There were no comments from the public.

13. 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 September 21, 2020, at 8:00 A.M. and will be a virtual meeting.

14. Adjournment

Upon motion by Supervisor Duhaney and second by Supervisor Elsner, the Board unanimously voted to adjourn at 8:28 A.M.

Charles C. Walsey, Chair

Peter L. Breton, Secretary

**Cypress Grove Community Development District
District Engineer's Report
August 17, 2020**

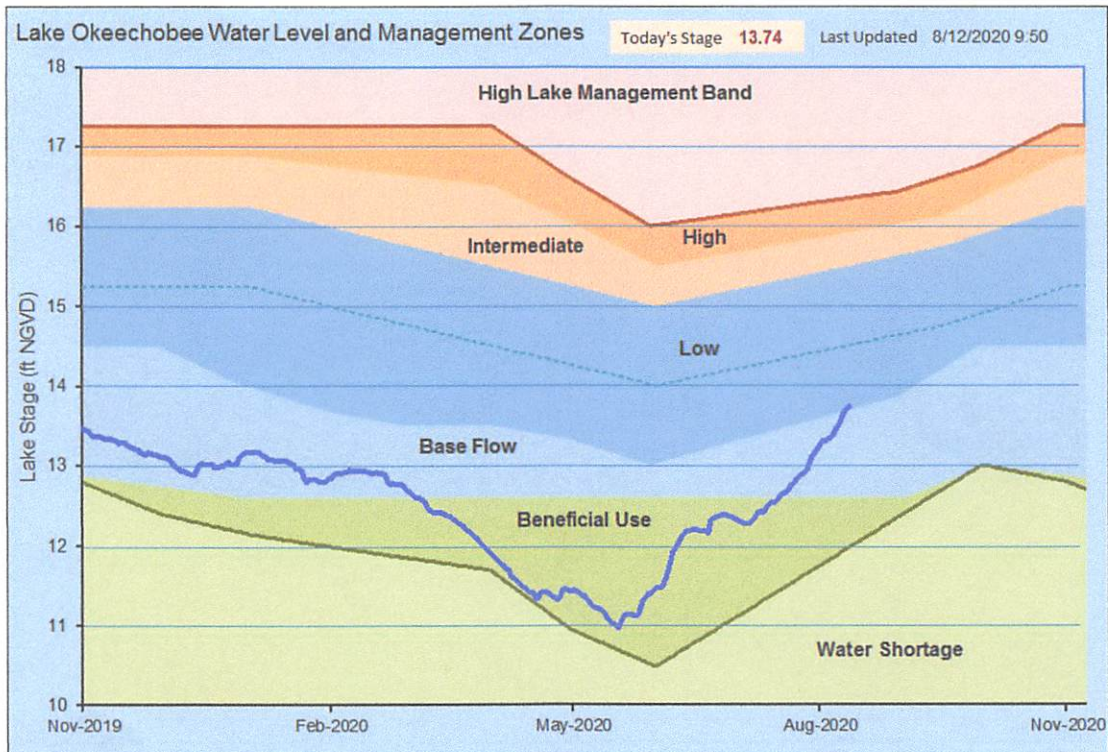
Lake Okeechobee System Operating Manual (LOSOM)

On July 15, 2020 the U.S. House Committee on Transportation and Infrastructure voted the Water Resources Development Act of 2020 (WRDA 2020) favorably out of Committee, where it now heads to the House Floor for a vote. This legislation provides authority for the U.S. Army Corps of Engineers (Corps) to carry out water resources development projects and studies, as well as policy direction to the Corps for implementation of its Civil Works missions. At this time the bill does not include the Lake Okeechobee Savings Clause.

On July 21 the U.S. Army Corps of Engineers Jacksonville District held a webinar seeking public comment on a planned deviation schedule to the Water Control Plan for Lake Okeechobee and Everglades Agricultural Area (LORS 2008) with the intended purpose of addressing Harmful Algal Blooms (HABs). In support of the proposed deviation schedule the Corps prepared a Draft Revised Supplemental Environmental Assessment and a Proposed Finding of No Significant Impact. The public comments period extended through July 30, 2020. Numerous public comments were received. Entities expressing water supply concerns/impacts with the planned deviation schedule included Palm Beach County, U.S. Sugar, City of West Palm Beach, Lake Worth Drainage District, Southeast Florida Utility Council, Nature Conservancy, Florida Crystals Corporation and Seminole Tribe of Florida. Similar comments included the following: THE PLANNED DEVIATION IS UNLAWFUL, THE CORPS LACKS THE AUTHORITY, THE PLANNED DEVIATION REQUIRES AN ENVIRONMENTAL IMPACT STATEMENT, NO SCIENTIFIC EVIDENCE THAT THE PLANNED DEVIATION WILL HAVE A BENEFIT ON HABs IN LAKE OKEECHOBEE AND ST.LUCIE ESTUARY AND CALOOSAHATCHEE ESTUARY, EFFECTS ON ENDANGERED AND THREATENDED SPECIES HAVE NOT BEEN STUDIED, PLANNED DEVIATION WILL ADVERSLY IMPACT PUBLIC, HEALTH SAFETY AND WELFARE

Current Lake Okeechobee Water Levels

ON August 12, 2020 the Lake level was at 13.74 Feet NGVD. The one- year graph of the Lake Okeechobee water level and management zones is shown below. The current level is 1.7 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 July 20, 2020)

On July 14, 2020, the Palm Beach County Commissioners adopted an ordinance to amend the 5- year roadway plan. The first 4 items below is the status of local roadway project on the County's critical 5- year road program projects. The remaining two 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 of 1/4/21.

Seminole Pratt Whitney & Northlake Blvd. intersection improvements at an estimated construction cost of \$5.41 million with an estimated beginning date of construction of 1/4/21.

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 date of construction of 6/7/20.

Northlake Blvd east of Hall Blvd. to Coconut widening from 2 to 4 lanes (2.4 miles) at an estimated construction cost of \$7.0 million with an estimated construction beginning in 2022.

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 land 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 July 20, 2020)

The second quarterly usage report for April through June was submitted to SFWMD. Attached is an Excel Spreadsheet with the historical monthly usage total (2009-2020). It includes the new north station 14,376 gallon per minute 24-inch pump starting 6/24/2020.

Herbert Hoover Dike and Culvert 10A

Culvert 10A at the north end of the L-8 Canal/ Lake Okeechobee is nearing the finish line. The final inspection was held last month but the structure has not been officially turned over to the Corps as of August 12, 2020. Looks like minor issues are being resolved prior to turnover. The structure is fully operational but being operated by the contractor at the Corps direction.

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 (No changes since June 15, 2020)

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(No changes since June 15, 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 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 July 20, 2020 meeting, agenda for the August 17, 2020 Virtual Meeting and propose budget for FY 2020-2021.

Cypress Grove Community Development District

Operations Report

8/17/20

- On August 14, 2020 the offsite L-8 Canal elevation at the North Pump was 14.1 and the onsite elevation was 17.1 The South Pump offsite elevation was 14.1 and the onsite elevation was 17.1 Lake Okeechobee water level is 13.79 July level was at 12.64
- Canals- Aquatic herbicide in progress & canal bank spot treatment of Florida Holly.
- 3rd Quarter reports due October 1, 2020.
- Yee Farms water permit update.
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- Fuel tank inspection. There are no leaks and tanks are working properly at this time. We had 7000 gal of fuel delivered on 7/21/20 and have used 0 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. (Land prep underway.)
- ITID flooding of Moss property.
- SFWMD calls are now monthly. (There is no current operation schedule for the winter lake levels.)
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