

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT  
BOARD OF SUPERVISORS  
MINUTES

Date: September 21, 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 Secretary then called the roll, and noted that all Supervisors were present.

In Attendance by Conference Call:

*Board Members:* Charles Walsey, 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 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 August 17, 2020.

**4. Engineer's Report**

The District Engineer distributed his written report (copy attached). The Board did not have any questions.

**5. Operations Manager's Report**

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

Mr. Poyner described the plan for Orsenego Farms, Pontano Farms and Costa Farms to jointly install an irrigation pump on the west side of Section 29. Mr. Breton explained the legal issues. The Board decided that the application for the pump relocation should be treated as a new permit application.

Mr. Poyner briefed the Board on Hopetown Farms plans for a pump station and water use agreement.

Mr. Poyner informed the Board about a conversation with Betty Argue about FPL. FPL has asked ITID to take over maintenance of the road between Sections 28 and 33 (the two sections owned by FPL). FPL does not want to own the road easement, apparently for liability reasons. The Board discussed the issue of ITID owning a one mile road within CGCDD. Alan Wertepny pointed out that if ITID owned the 100 foot strip, ITID would have to pay assessments to CGCDD. He also asked if ITID was paying assessments on the road rights of way it owns along the M Canal and Sections 3 and 4. [Note: after the meeting, Mr. Breton determined that the ITID property and the M Canal was not within the CGCDD boundaries, and sent an email to the Board.] Mr. Poyner was asked to set up a conference call with Ms. Argue and Supervisor Portnoy.

**6. Treasurer's Report**

The Treasurer reported that as of the end of August the bank account had \$186,041. After checks that have been written, there is 127,566 available. He projected that there will be approximately \$30,000 left by the end of the calendar year.

**7. Attorney's Report**

Attorney Breton stated that all of the forms needed for the assessments have been submitted to the Tax Collector.

The Board reviewed the meeting schedule for the next fiscal year. All meetings are on the third Monday of the month except in January and February when they are on the following Tuesday due to the national holidays. Supervisor Duhaney moved approval of the meeting schedule as presented, Supervisor Portnoy seconded the motion, which was unanimously approved.

Attorney Breton said he would monitor the Governor's emergency order on virtual meetings to see if it would be further extended.

**8. Comments by Supervisors**

There were no further 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**

The Chair announced that the next meeting would occur on October 19, 2020 at 8:00 A.M. and would be a virtual meeting via conference call.

**11. Adjournment**

The meeting was adjourned at 9:05 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  
September 21, 2020**

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

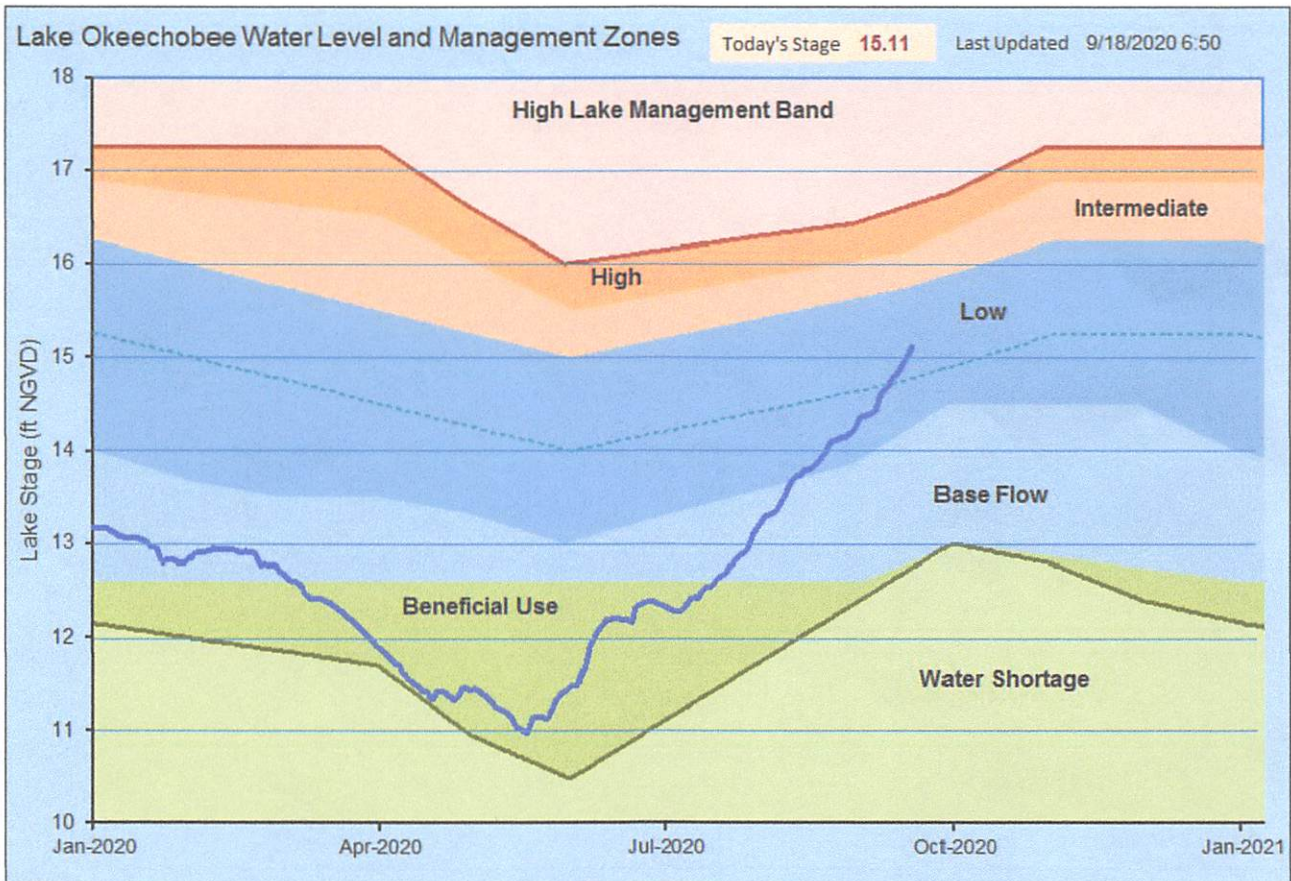
On July 15, 2020 the U.S. House Committee on Transportation and Infrastructure voted the Water Resources Development Act of 2020 (WRDA 2020) favorably out of Committee, where it now heads to the House Floor for a vote. This legislation provides authority for the U.S. Army Corps of Engineers (Corps) to 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 THREATENED SPECIES HAVE NOT BEEN STUDIED, PLANNED DEVIATION WILL ADVERSLY IMPACT PUBLIC, HEALTH SAFETY AND WELFARE

A hearing on ***The Comprehensive Everglades Restoration Plan and Water Management in Florida*** has been scheduled by the Water Resources and Environment subcommittee of the U.S. House of Representatives Transportation and Infrastructure Committee for **September 24 at 11am.**

## Current Lake Okeechobee Water Levels

On September 18, 2020 the Lake level was at 15.11 Feet NGVD. The one- year graph of the Lake Okeechobee water level and management zones is shown below. The current level is 2.3 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 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.

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**

**I am working with Bobby Poyner to update our water use permit records. Attached is map identifying parcels and landowners with water use allocations. Updated water use agreements are needed for Orsinego, Hopetown and FPL. Bobby is coordinating with Orsinego and HopeTown.**

## **Herbert Hoover Dike and Culvert 10A (No change since August 17, 2020)**

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.

### **Indian Trail Improvement District Moss Property Pilot Pumping Project**

On Friday September 18, 2020 I provided comments to Jay Foy I received from Peter Breton the draft MOU letter. Peter recommended a formal MOU which is signed by both Indian Trail and Cypress Grove Boards.

### **Website Update**

The cgdd.org website has been updated with the minutes for the August 17, 2020 meeting, agenda for the September 21, 2020 Virtual Meeting.

# Cypress Grove Community Development District

## Operations Report

9/21/20

- On September 19, 2020 the offsite L-8 Canal elevation at the North Pump was 15.2 and the onsite elevation was 17.3 The South Pump offsite elevation was 15.3 and the onsite elevation was 17.3 Lake Okeechobee water level is 15.15 August level was at 13.79
  - Canals- Aquatic herbicide in progress & canal bank spot treatment of Florida Holly.
  - 3<sup>rd</sup> Quarter reports due October 1, 2020.
  - Yee Farms water permit update.
  - Costa Farms, Orsenigo Farms & Pontano Farms water use & permitting. Pump relocation.
  - 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 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
- 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) Taking water from Corbett section 30 west canal.**
- **Holland Pump update.**
- **FPL update. (Land prep underway.)**
- **ITID flooding of Moss property. ITIT & FPL road easement & ownership. Corbett project on hold.**
- **SFWMD calls are now monthly. (There is no current operation schedule for the winter lake levels.)**
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