

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
MINUTES

Date: November 14, 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 Chair Walsey at 8:05 A.M.

The Secretary then called the roll, and noted that all Supervisors except Supervisor Elsner were present.

In Attendance:

Board Members: Charles Walsey, Larry Portnoy, Pat Fogarty and Pam Duhaney.
District Engineer: Alan Wertepny (by speakerphone)
District Attorney: Peter Breton (by speakerphone)
Operations Manager: Robert Poyner, RLP Property Services, Inc.

2. Approval of Agenda

After a motion by Supervisor Duhaney and second by Supervisor Fogarty, the Board unanimously approved the agenda,

3. Approval of Minutes

By motion by Supervisor Duhaney and second by Supervisor Fogarty, the Board unanimously approved the minutes of the Board of Supervisors' Meeting of September 19, 2022.

4. Engineer's Report

The District Engineer distributed his written report (copy attached). He discussed the reductions of the capacity of the District's pumps shown by the recent calibration tests. Mr. Poyner said this is due to wear on the pumps. The Engineer said they will be adjusting the reports to SFWMD due to the recalibration. Since we have an additional pump, the District is meeting its allocation. He then said that our water demand by the secondary users has gone down, primarily due to FPL's conversion to its solar energy project. In the future, SFWMD will reduce the District's water allocation. FPL will be drawing water from onsite ditches for dust control, landscaping and other uses, so it will not be directly withdrawing from our system. He is working with FPL's engineer on its application. He will be adding a special condition making FPL responsible for removal and disposal of vegetation along the canals on its property. Supervisor Portnoy asked about the status of the FPL corner clip easement and the easement over the outfall canal on FPL's property. Mr. Poyner said that he had sent the draft easements from FPL to the District Attorney, who had made revisions to them. Mr. Poyner sent the revised versions back to FPL and will call to follow up. Then there was a discussion on the process for recouping the actual engineering review costs from the permit applicant, in this case FPL. Mr. Wertepny said that this is covered in the permit rules which allows for prepaying a deposit for review fees, then true up once the application has been approved but before the permit is issued.

5. Operations Manager's Report

The Operations Manager distributed his written report (copy attached). He said that he does not expect to need another fuel delivery this year. He described the unanticipated work he has done due to Hurricane Ian. The Board discussed the priority and timing of the capital projects.

6. Treasurer's Report

The Treasurer reported that the District had \$123,900 after the checks for October. After setting aside operation funds through the end of the calendar year, he estimated that there will be \$20,000 to \$25,000 for projects.

7. **Attorney's Report**

The Attorney had nothing to report.

8. **Comments by Supervisors**

There were no 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 December 19, 2022 at 8:00 A.M. at 8756 Boynton Beach Boulevard, Suite 2100, Boynton Beach, Florida 33472.

11. **Adjournment**

Upon motion by Supervisor Portnoy, seconded by Supervisor Duhaney, the meeting was adjourned at 9:08 A.M.

Charles C. Walsey, Chair

Peter L. Breton, Secretary

Cypress Grove Community Development District
District Engineer's Report
November 14, 2022

Lake Okeechobee System Operating Manual (LOSOM)-No revisions since August 2022

Lake Okeechobee System Operating Manual.

The U.S. Army Corps of Engineers (USACE) is in the process of completing its re-evaluation of Lake Okeechobee operating schedule.

Activities to finalize LOSOM include:

- Release of LOSOM Draft Environmental Impact Statement (EIS)... July 27, 2022
- Public Comment on EIS due..... September 12,2022
- New LOSOM Schedule adoptedin 2023**

Loxahatchee River Restoration (No revisions since September 2022)

On August 18, 2022, South Florida Water Management District (Jennifer Leeds) provided an update to the Palm Beach County Water Resources Task Force the Projects Status Included:

Tasks Completed:

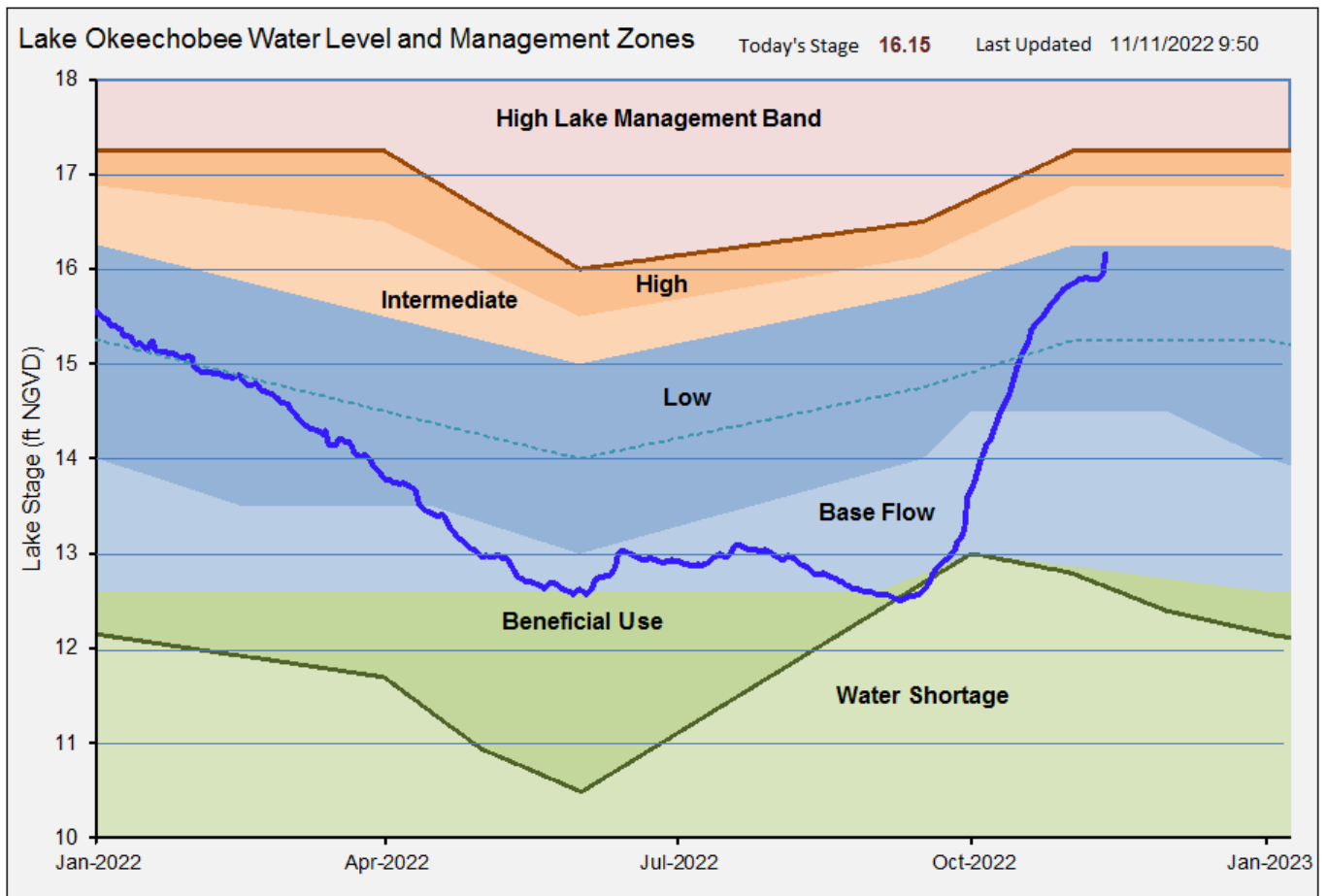
- Project authorized by Congress – Water Resources Development Act 2020
- Restricted Allocation Area (RAA) rulemaking – June 2022
- Pre-partnership Credit Agreement (PPCA) – July 2022

Tasks Underway:

- **Update Integrated Delivery Schedule (IDS) – October 2022**
- **Execute Project Partnership Agreement (PPA) – June 2023 Flow-way 2**
- **Agreements and stakeholder engagement – Ongoing**
- **Execute design contract for C-18W Impoundment – December 2022**

Current Lake Okeechobee Water Levels

On November 11, 2022, the Lake level was at 16.15 Feet NGVD. Due to Hurricane Ivan and Nicole water level in Lake is high at the top end of the low management band. It is over 3 feet higher than one month ago. The one-year graph of the Lake Okeechobee water level is shown below. Reported release from the Lake are south into the L-8. And West Palm Beach Canal. The L-8 stage at West Palm Beach M Canal was at 13.9 feet NGVD.



SR 7 Extension from Okeechobee BLVD to Northlake Blvd (No revisions since April 2022)

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. **The SWMD Administrative Hearing scheduled for October 2022 has been postponed for some time next year.**

County Five Year Road Program Fiscal Year 2021 – FY 2026 (No revisions since August 2022)

On July 12, 2022, 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. Right-of-way staking and clearing of vegetation completed.

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 0.8 miles of a 3-lane road in FY 2022.

60th Street North from Avocado Blvd. to East of 120th Avenue North. An estimated cost of \$50,000 for design in FY2022 for 1.6 miles of three land road. The construction cost is estimated to be \$6 million in FY 2024.

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

On October 11, 2022, we received a request that calibrations of the water use pumps at Stations 1 and 2 are due on or before January 31, 2023. Bobby coordinated with Mike Lockhart for the calibration test covering the three pumps.

I have also updated the Cypress Grove Water Use Dependent Secondary Users Agreements (see attached)

FPL Silver Palm Solar

I have coordinated with FPL and their drainage consultant on the following two issues:

Water Use Agreement- FPL is proposing to withdraw water from its on-site ditches for dust control and landscape buffers. Since they will not be withdrawing water from Cypress Grove canals, we cannot enter into a water use agreement with FPL They will need to get a separate water use permit from SFWMD.

Drainage Connection- FPL consultant is in the process of revising the drainage report. The revisions will address FDEP permit water quality volume retention/detention requirement, revised drainage calculations, and discharge structures will be two 5,000 gpm.

CGCDD Standard Permit- Bobby and I are recommending that a Special Condition will be added to the Permit that the Permittee will be responsible for removal and disposal of all vegetation within the non-exclusive easements along the north, east and south perimeter of Section 28, Township 42 South, and Range 40 East.

Section 29 Pontano

On October 10, 2022 I transmitted a revised a revised Pontano water use agreement, listing of secondary users /allocation and permit fee schedule to Bobby Poyner for coordinating with Pontano. The agreement covers three parcels (52 acres) in Section 29. To date we have not received the signed revised water use agreement nor the initial \$1,800 fees for the application and permit review.

Indian Trail Improvement District Moss Property Pilot Pumping Project (No updates since September 2022)

A 25 cubic feet per second pump station discharging from ITID M-1 Impoundment into the Moss/Corbett property has been installed. ITID has installed the monitoring equipment. The system is fully operational. Between July 19 and August 15, 2022 (21 days), pumped water from ITID M-1 Impoundment into the Moss property at a rate of 15 cfs. A total of 22.6 million gallons of water was pumped and if distributed evenly over the area north of Cypress Grove CDD main outfall canal could have resulted in about 0.67-inch increase in stage. Moss stage readings closer to the inflow pump were higher than those further away.

Website Update

The cgcdd.org website has been updated with the minutes for the September 19, 2022, board meeting and agenda for the November 14, 2022, meeting.