

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
MINUTES

Date: June 19, 2023
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 8:00 A.M.

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

In Attendance:

<i>Board Members:</i>	Charles Walsey (by speakerphone), Larry Portnoy, Pam Duhaney, Pat Fogarty and Rick Elsner.
<i>District Engineer:</i>	Alan Wertepny
<i>District Attorney:</i>	Peter Breton (via Microsoft Teams)
<i>Operations Manager:</i>	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

After a motion by Supervisor Portnoy and second by Supervisor Fogarty, the minutes of the Board meeting of May 15, 2023 were unanimously approved.

4. Engineer's Report

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

5. Operations Manager's Report

The Operations Manager distributed his written report (copy attached). In response to a question from Supervisor Elsner, he said that during the farming season, roughly October through the end of April, he tries to maintain a water elevation of 18 feet. Once the rain starts, he goes gradually from 17.5 down to 17. Supervisor Portnoy said that at the meeting with ITID, it was made clear that the District would not be replacing the pipes at 59th and Carol Street (item # 1) and that there would be no road connection there. We don't need a crossing there and prefer an open canal. He said that ITID put in the vegetation barriers. The Board determined that the District would continue to maintain the road between the two FPL parcels.

6. Treasurer's Report

The Treasurer reported that he did not have a bank statement but that the situation has not changed since last month and the funds are very tight. He said that the auditors have completed their work. They found that the District had spent more than the revenues in the past fiscal year. The attorney explained that the issue was that we had greater expenditures during the fiscal year than the revenues we put in the budget. We did not spend more money than what we had. Rather, we spent more than we budgeted. The correction is that in the future, we will amend the budget at the end of the fiscal year to cover the deficit (if any) with funds carried forward from the prior fiscal year. He explained that the statute allows the district to amend the budget retroactively for up to 60 days after the end of the fiscal year. The response to the auditor will state this.

The Treasurer made a motion to approve the audit report for the fiscal year ending September 30, 2022. Supervisor Fogarty seconded. The motion was unanimously approved.

7. Attorney's Report

The Attorney stated that the District is required to annually request the Supervisor of Elections to determine how many qualified electors, i.e. registered voters, are in the District. Once the number of qualified electors reaches 500, a transition to popular voting for supervisors begins. This year, the Supervisor of Elections reported that there is only one registered voter in the district. He said that there should be a motion to make a finding, based on the information from the Supervisor of Elections, that there is one qualified elector in the District. Supervisor Portnoy made the motion and Supervisor Duhaney seconded it. The motion was unanimously approved.

The Attorney said he would proceed with filing the necessary audit reports with the Auditor General and the Chief Financial Officer.

8. Comments by Supervisors

Supervisor Portnoy reported on the District's ability to assess the County and ITID for benefits received once GL Homes conveys certain parcels to them. The assessments are allowed to the extent that benefits are received. It is an assessment, not a tax. In the case of the ITID 640 acres, there apparently will be no benefits from the District. It will receive no irrigation, drainage or road access. ITID is apparently ready to commence construction of its impoundment area immediately upon getting ownership. Any residential or commercial development by GL Homes will probably become a Unit of Development under ITID. That will need to be negotiated. The CDD will need to be kept active to operate the farming irrigation, the drainage, canal and road maintenance for the County-owned land remaining, other than Sections 17 and 20. Those two sections will be used for water impoundment so they will benefit from drainage, canal and road maintenance, but not from the regular farming irrigation. The pumps will be converted to electric and the County's dedicated pump should have its own meter. The Engineer pointed out that with the current elevation of the three culverts at the L-8, only two pumps at a time can be operated. The farm irrigation pumps should get priority.

The Attorney suggested that once ITID has completed its impoundment, the 640 acres could be removed from the CDD. Supervisor Portnoy asked what happens when an ITID unit of development is formed, does the CDD need to shrink? The Attorney said that the two districts would be overlaid. Right now, the CDD is within the ITID boundaries. Activating a unit of development would not require the CDD boundaries to change. If the CDD is not providing any additional services, the developed areas could be removed from the CDD. It would require a petition to the Florida Land and Water Adjudicatory Commission ("FLAWAC") for a rule amendment to shrink the boundaries. He also pointed out that by removing the developed areas, it would avoid reaching the 500 voter threshold for converting to popular voting and losing control of the CDD Board. The CDD needs to continue in order to serve the remaining ag areas, Section 29 and the FPL parcels. The Attorney pointed out that the County is not able to vote its acreage since it does not meet the definition of "landowner" under Chapter 190. He also said there is a maximum allowable reduction of 1000 acres without going through a more elaborate petition process. He suggested it might not be a good idea to remove the ITID acreage in order to preserve the 1000 acres, since ITID would not be assessed and could not vote.

There were no additional 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 July 17, 2023 at 8:00 A.M. at 8756 Boynton Beach Boulevard, Suite 2100, Boynton Beach, Florida 33472.

11. Adjournment

Upon motion by Supervisor Elsner, 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
June 19, 2023**

Lake Okeechobee System Operating Manual (LOSOM)-

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 adoptionin 2023

On March 1, 2023, National Marine Fisheries. A division of NOAA requested an formal biological review of the impact of LOSOM, as currently drafted, on red tide on Florida’s west coast. The request pushed back the expected date of implementation from June 2023 to December 2023.

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Loxahatchee River Restoration (No revisions since September 2022)

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

Tasks Completed:

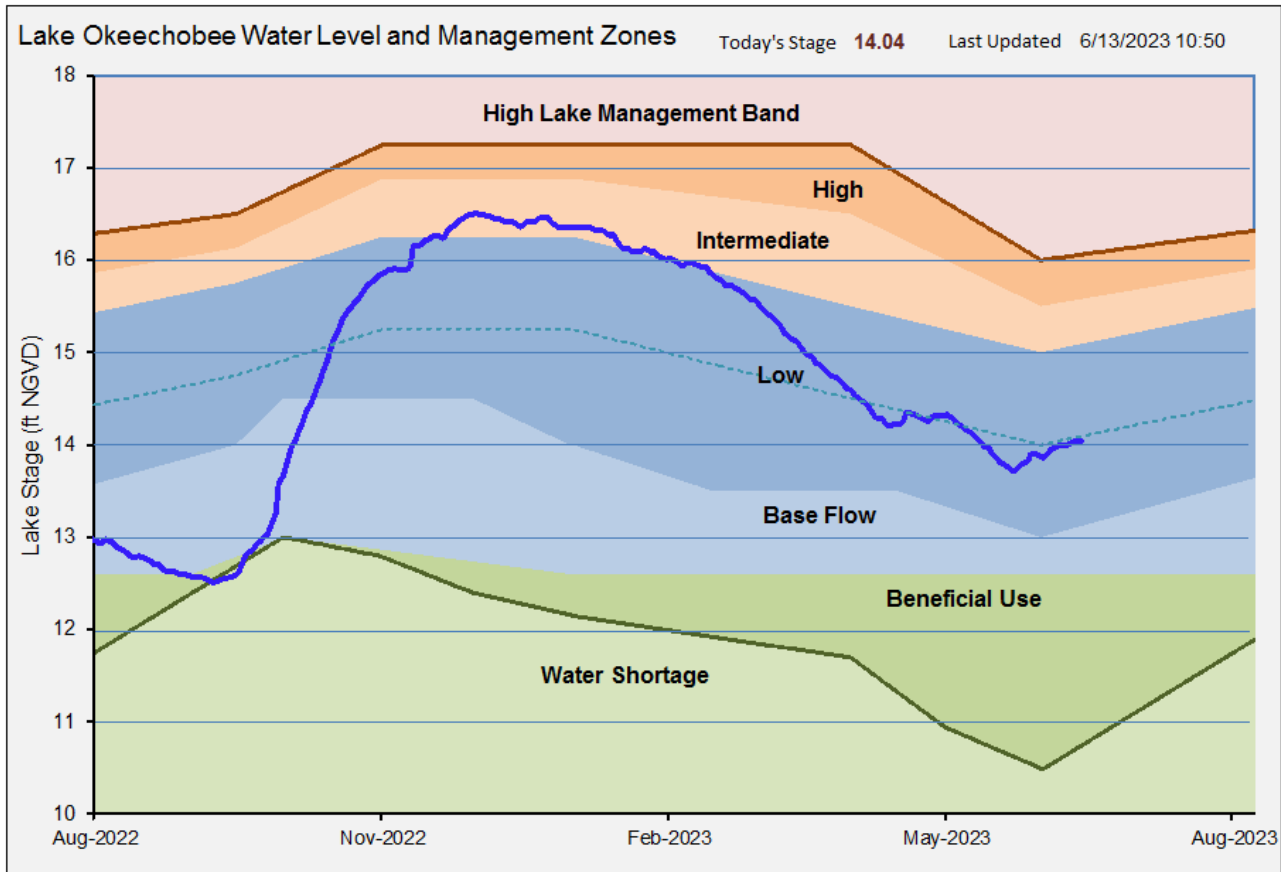
- Project authorized by Congress – Water Resources Development Act 2020
- Restricted Allocation Area (RAA) rulemaking – June 2022
- Pre-partnership Credit Agreement (PPCA) – July 2022

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 June 12, 2023, the Lake level was at 14.02 Feet NGVD. The one-year graph of the Lake Okeechobee water level is within the upper level of the Base Flow Zone (Approximately 3.3 feet above the Water Shortage Zone). Reported release from the Lake are west into the Caloosahatchee River and south into the L-8 Canal. The L-8 Canal stage at West Palm Beach M Canal was at 14.5 feet NGVD.



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

The City of West Palm requested an administrative hearing on SFWMD permit for SR7 Extension. This hear has been delayed and has not been rescheduled.

County Five Year Road Program Fiscal Year 2023 – FY 2027 (No revisions since January 2023)

On December 20, 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. **Construction of the drainage system is underway south of Northlake Blvd..**

Seminole Pratt Whitney & Northlake Blvd. intersection improvements at an estimated construction cost of \$5.41 million with an estimated beginning date of February 2022. **Construction of the drainage system is underway.**

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 Avocado Blvd. to East of 120th Avenue North. The construction cost is estimated to be \$7 million for 1.6 miles of a three-lane road in FY 2024.

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 three-lane road in FY 2025.

60th Street North from Seminole Pratt Whitney Road to 140th Street Avenue North. An estimated cost of \$ 0.50 million for design of 2.7 miles of a 4-lane road in FY 2026.

SFWMD Water Use Permit (No update since May 2023)

The first quarter report for 2023 was submitted to SFWMD. Be advised that as the ITG Water Resource Project is permitted with SFWMD, Cypress Grove CDD will need to modify its SFWMD Water Use Permit and reduce the Allocation for the ITG WRP and FPL Solar Fields. The estimated reduction is 70%.

SFWMD Proposed Rule 40E-7 Canal Management Plan for Vegetation, Trash and Debris

SFWMD held a second public workshop on their proposed regulatory process of requiring a written Vegetation and Debris Management Plan (documenting practices/schedule) and retainage of records of implemented vegetation and debris management activities. In a letter dated May 24, 2023, the Florida Association of Special District provided comments on the proposed program. FASD raised the following issues:

1. Lack of a list, map, GIS layer, database or some other identifying criteria of areas that are and are not subject to the proposed rules.
2. Allowance for a time extension for implementation for budgeting, procurement, contracting, and/or updating water control plans.
3. Concerning increased costs for special districts.
4. Appears to be duplication of similar requirements already incorporated in other District regulatory criteria. Expand exemptions to include existing regulatory programs.

FPL Silver Palm and Sable Palm Solar Facilities.

FPL contractor is proceeding with construction of the drainage modifications. Booby is coordinating the clearing and removal of the brush, vegetation and tress in the CGCDD canal easements along Silver Palm (Section 28-north, east and south sides). We are waiting on FPL to reactivate discussions for an easement to CGCDD easement at the northeast corner of Carol St. and Louise St.

Section 29 Pontano (No revisions since February 2023

Bobby is coordinating with Pontano for the signed revised water use agreement.

Indian Trail Improvement District Moss Property Pilot Pumping Project (No revisions Since November 2022)

Cypress Grove CDD Maps and Exhibits

In the first week of June, I provide Pam with maps, exhibits and information on the Cypress Grove CDD. These documents included a Boundary Map, Survey Exhibit with the Easements, Infrastructure Locations, Canal Maintenance Map, Water Use Permittees Exhibit, and a Fact Sheet covering drainage permits and outfall structure information.

Website Update

[https://d.docs.live.net/b178303ae61e4ef3/Documents/Client Files/Cypress Grove/1/Minutes/2023/20230612_CYPR_District's Engineer's Report \(06-19-23 Mtg \).docx](https://d.docs.live.net/b178303ae61e4ef3/Documents/Client Files/Cypress Grove/1/Minutes/2023/20230612_CYPR_District's Engineer's Report (06-19-23 Mtg).docx)

The cgcdd.org website has been updated with the minutes of the May 2023 meeting and June 19, 2023, agenda.

Cypress Grove Community Development District

Operations Report

6/19/23

- On June 18, 2023 the offsite L-8 Canal elevation at the North Pump was 14.0 and the onsite elevation was 17.0 The South Pump offsite elevation was 14.0 and the onsite elevation was 17.0 Lake Okeechobee water level is 14.12 May level was at 13.98
- Canals- Aquatic herbicide in progress & canal bank spot treatment of Florida Holly.
- Pump reports due July.
- Side Mowing ongoing.
- Pontano Farms water use. (Payment received waiting for signed permit)
- Fuel tank inspection. There is a small leak and tanks are working properly at this time. We had 7018 gal of fuel delivered on 3/8/23 and have used 3900 gal since delivery. (Pump Repair Needed)
- Capital Improvement Projects and estimated cost.
 1. Replace 60 Ft of 72" pipe at 59th & Carol St. (Estimate \$14,000.00 wet install one pipe.)
 2. Marie Ct. Clear & reshape canal banks. (Approx 1 mile.)
 3. Rip Rap reshape canal banks N/S pump stations. (South station started)
 4. Remove brush west canal bank section 29. (Estimate \$15,000.00)
 5. Long reach summer maintenance \$17,500.00 (Reduced \$7500.00)
 - 6.
 - 7.
 8. Clean canal bottom east side section 30&31. Estimate \$12000.00
 9. Close canal SE corner section 34. Estimate \$3500.00
 - 10.
 11. Pump replacement original north pump. Option 1. 37,644.00 Option 2. \$45,233.00
 12. Replace 40 feet of 72 inch pipe center road section 20&21. 20ft of pipe needed. Estimate \$7000.00

Future projects clean both sides of district canal banks.

- Item 10 Carol Street pipe replacement & canal bank cleaning Marie Ct & Louise Street prior to ITID road repairs. Discussion on adding two new 72" pipes Carol St & 59th. Additional pipe \$16,540.00. Two to three weeks for pipe new pipe delivery.
- ITID Review CDD & SRG projects.
- Santa Rosa canal discharge.
- FPL easement Legum & Carol St. & CDD L-8 Easement update. (L8 Easement Signed)
- FPL repairing & adding road base to Louise St between sections 28 & 33.
- Projects to complete. (Road repair Louise St) (Complete ¼ mile SRG canal bank) (Repair canal bank east canal 21&22) (Rip Rap south pump station)
- Water boom estimate \$3000.00 (GEI Works)
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