

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
MINUTES

Date: August 21, 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 8:03 A.M.

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

In Attendance:

Board Members: Charles Walsey (by speakerphone), Rick Elsner (by speakerphone), Larry Portnoy, Pam Duhaney, and Pat Fogarty.

District Engineer: Alan Wertepny

District Attorney: Peter Breton (via Microsoft Teams)

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

After a motion by Supervisor Fogarty and second by Supervisor Duhaney, the minutes of the Board meeting of July 17, 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). He reported on the flooding at the school parking lot, which was due to a crushed drain pipe. He is installing a replacement pipe. He said that Hundley employees were digging around the pipe and believes they caused the damage. He has contacted Hundley about the damage. He needs 30 feet of pipe to make the repair. Sup. Portnoy said that the District should not be responsible. He discussed the repair process. Attorney Breton asked if the pipe is located on land owned by GL Homes and leased to Hundley. He recommended that Bobby Poyner put together an invoice and have GL Homes demand payment from Hundley as damage to the leased property. Chair Walsey said that the District should be responsible for any payments. Sup. Poyner asked if there was an agreement with the School District. Atty. Breton said that there is not agreement. We do not collect any money from the School District.

He said that he has not used any fuel and still has 3900 gallons in the tank.

6. Treasurer's Report

The Treasurer reported that the bank balance at the end of July was \$193,101, he has issued \$34,000 in checks, leaving a balance of \$159,000 through the end of the calendar year. He is forecasting that there will be sufficient funds to carry the District to the end of the calendar year with a small surplus.

Chair Walsey asked Attorney Breton to explain the proposed budget for FY 2023-2024. He said that the proposed budget was sent to everyone and that it is basically the same as last year's, except that he included a line item under Revenue for funds carried forward from prior fiscal year in the amount of \$30,000, which is offset by a line item under Expenditures for reserve for contingencies in the amount of \$30,877. He said that this is to address the comment by the auditor that last fiscal year the District's actual expenditures exceeded the budgeted revenue. Since the audit report shows that there was a fund balance of \$131,400 at the end of the year, \$30,000 of this balance will be carried forward but only used if necessary. He said that every effort should be made to avoid tapping this balance. He said that the budget is balanced and that the non-ad valorem assessment remains at \$75.39 per acre.

The Chair indicated that there will be a public hearing on the annual budget and the non-ad valorem assessment rate. He noted that there were no members of the public present or signed on in Microsoft Teams. Seeing that there are no members of the public, he closed the public hearing.

Attorney Breton said he prepared two resolutions for adoption. Resolution 2023-2 is for the adoption of the final budget for FY 2023-2024 and Resolution 2023-3 is for adoption of a non-ad valorem assessment of all the property in the District at the rate of \$75.39 per acre. Chair Walsey asked for a motion on Resolution 2023-2. Sup. Portnoy moved approval of the resolution, Sup. Fogarty seconded and the motion was unanimously approved. Chair Walsey then asked for a motion on Resolution 2023-3. Sup. Portnoy moved approval, Sup. Duhaney seconded and the motion was unanimously approved.

7. Attorney's Report

The Attorney stated that he mailed letters to each of the landowners in the District notifying them of the public hearings on the budget and assessment. He only received two letters back as undeliverable at the addresses in the tax records. He stated that he also had legal notices of the hearings published in The Palm Beach Post as required. He will send the proof of publication to Sup. Portnoy when they come in.

The Attorney reminded the Board that there will be an election of the supervisors whose terms are expiring at the November meeting.

8. Comments by Supervisors

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 September 18, 2023 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 8:30 A.M.

Charles C. Walsey, Chair

Peter L. Breton, Secretary

**Cypress Grove Community Development District
District Engineer's Report
August 21, 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. **The National Marine Fisheries Service (NMFS) plans to complete its biological consultation by the end of August..**

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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:

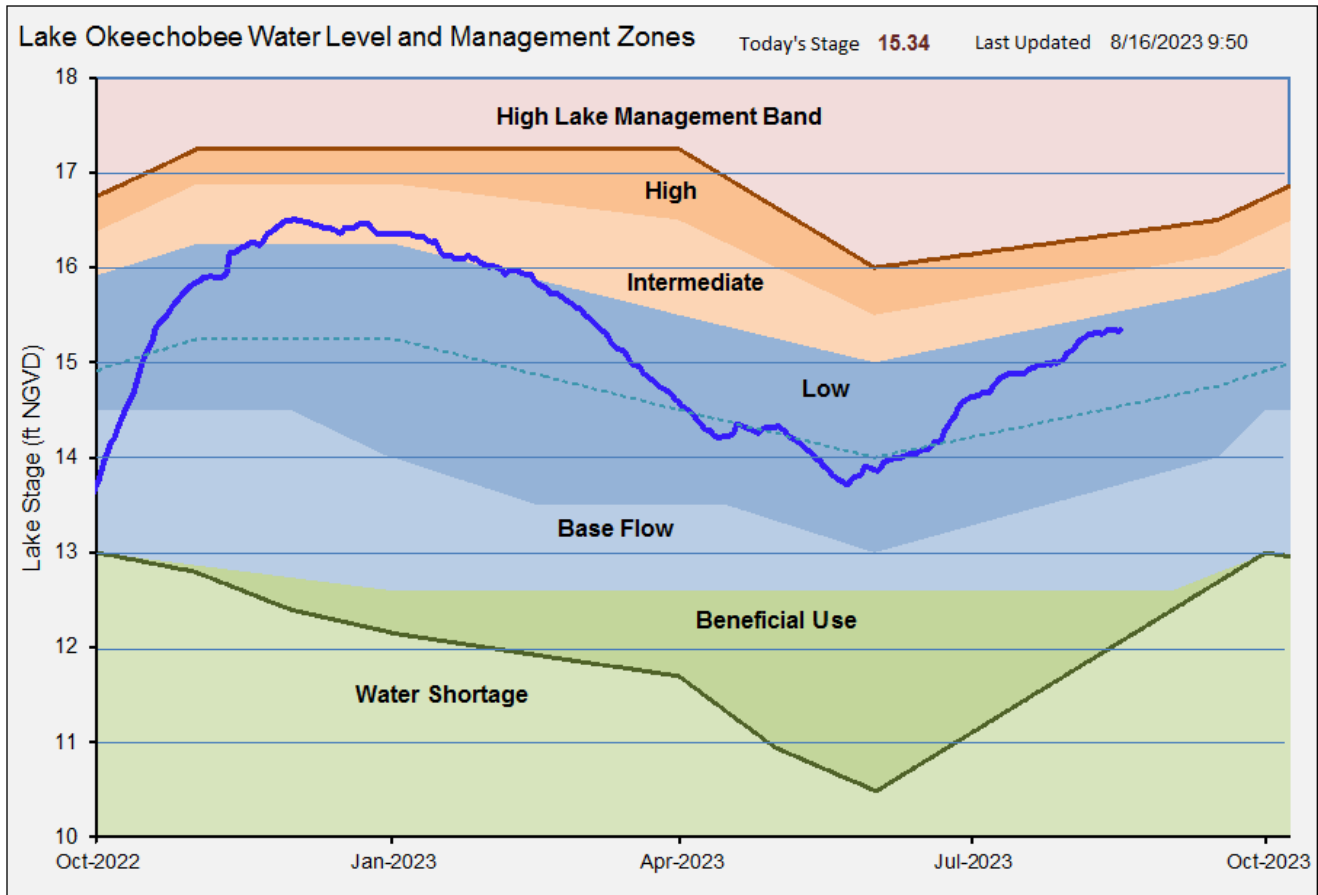
- Project authorized by Congress – Water Resources Development Act 2020
- Restricted Allocation Area (RAA) rulemaking – June 2022
- Pre-partnership Credit Agreement (PPCA) – July 2022

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 August 16, 2023, the Lake level was at 15.3 Feet NGVD. The one-year graph of the Lake Okeechobee water level is within the Low Zone (Approximately 3.1 feet above the Water Shortage Zone). Reported release from the Lake are west into the Caloosahatchee River, east to the St. Lucie Canal and south into the L-8 Canal. The L-8 Canal stage at West Palm Beach M Canal was at 14.6 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 major 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

The second quarterly report was submitted to SFWMD on July 25, 2023. Water withdrawals for April through June were 57% of the permitted maximum monthly allocation.

SFWMD Proposed Rule 40E-7 Canal Management Plan for Vegetation, Trash and Debris (No Revisions since June 2023)

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. (No revisions since July 2023)

FPL contractor is proceeding with construction of the drainage modifications. Booby is continuing to coordinate with FPL and their contractor for the clearing and removal of the h, vegetation along CGCDD canal easements adjacent to Silver Palm (Section 28-north, east and south sides). He is also coordinating the construction of the drainage control structure riser modifications for Sable Palm. We are still waiting on FPL to reactivate discussions for an easement to CGCDD easement at the northeast corner of Carol St. and Louise St.

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

Website Update

The cgidd.org website has been updated with the minutes of the July 2023 meeting and August 21, 2023, agenda.

Cypress Grove Community Development District

Operations Report

8/21/23

- On August 19, 2023 the offsite L-8 Canal elevation at the North Pump was 15.0 and the onsite elevation was 15.8 The South Pump offsite elevation was 14.8 and the onsite elevation was 15.7 Lake Okeechobee water level is 15.36 July level was at 14.88
- Canals- Aquatic herbicide in progress & canal bank spot treatment of Florida Holly.
- Pump reports due October.
- Side Mowing ongoing.
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- 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 Complete)
- Capital Improvement Projects and estimated cost.
 - 1.
 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.

- School lake retention.
- ITID Review CDD & SRG projects.
- Discussion 59th Ln N. (FPL)
- FPL easement Legum & Carol St. & CDD L-8 Easement update.
- FPL section 28 canal maintenance.
- Projects to complete. (Repair canal bank east canal 21&22
- Water boom estimate \$3000.00 (GEI Works)
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