

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT  
BOARD OF SUPERVISORS  
MINUTES

Date: June 20, 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 the Chair, Charles Walsey, at 8:05 A.M.

The Secretary then called the roll, and noted that all Supervisors were present. The Secretary noted that Supervisor Elsner and Supervisor Portnoy were attending via speakerphone since they were self-isolating due to Covid-19 exposure.

In Attendance:

*Board Members:* Charles Walsey (via speakerphone), Larry Portnoy (via speakerphone), Rick Elsner (via speakerphone), Pamela Duhaney and Patrick Fogarty.  
*District Attorney:* Peter Breton (via speakerphone)  
*District Engineer* Alan Wertepny  
*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 Meetings of April 18, 2022 and May 16, 2022.

**4. Engineer's Report**

The District Engineer distributed a written report (copy attached). He reported on his meeting with FPL and its consultants regarding the proposed Silver Palm Solar project in Section 28. Permits will include a special condition requiring FPL to remove and dispose of vegetation in the easements around the perimeter of the section.

**5. Operations Manager's Report**

The Operations Manager submitted a written report (copy attached). He reported on ITID's progress on Santa Rosa Groves funding and work schedule, which impacts the timing of his work in the vicinity.

**6. Treasurer's Report**

The District Attorney stated that he prepared and circulated a draft proposed budget that was based on the prior year's budget, but with the deletion of interest and principal payments on the line of credit, which has been paid off, and increasing the line item for fuel by the same amount. The assessment of \$75.39 per acre remains the same. After discussion of proposed budget, Supervisor Duhaney made a motion to approve the proposed budget as presented and Supervisor Portnoy seconded the motion. The motion was unanimously approved. Next, Supervisor Portnoy moved to approve Resolution No. 2022-1, which approved the proposed budget and non-ad valorem assessment rate and set a public hearing on August 15, 2022. Supervisor Duhaney seconded the motion, which was unanimously approved. Next, the Board reviewed the Financial Audit Report for the Fiscal Year ended September 30, 2021. The Chair noted that there were no adverse findings. Upon motion by Supervisor Portnoy

and second by Supervisor Fogarty, the Financial Audit Report was unanimously approved. The Attorney stated that when he receives the signed audit, he will submit it to the Auditor General before the June 30, 2022 deadline.

**7. Attorney's Report**

The Attorney explained that the Board must annually make a finding of the number of qualified electors (i.e., registered voters) within the District, based on a letter from the Supervisor of Elections. He said he had obtained and circulated the SOE letter, which found that there were two (2) registered voters in the District. Supervisor Fogarty made a motion to find that there are two qualified electors in the District based on the letter from the Supervisor of Elections. Supervisor Duhaney seconded the motion, which was unanimously approved. Next, the Attorney reported that during his review of the preliminary assessment roll from the County, he found that FPL had deeded approximately 10 acres of its property to Indian Trail Improvement District as road right of way for Louise and Carol Streets. This took the property off the tax rolls and will reduce the assessment revenue by about \$750 dollars. He said that his preliminary research indicates that if property is deeded to a special district or to the County, the CDD will no longer be able to levy a non-ad valorem assessment on that property. This will negatively impact the revenues of the District. He suggested that GL Homes' attorneys should research this issue and that GL Homes may want to negotiate an agreement with the County to pay assessments on the land that GL Homes will convey to the County.

**8. Comments by Supervisors**

There were no further 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 18, 2022 at 8:00 A.M. at 8756 Boynton Beach Boulevard, Suite 2100, Boynton Beach, Florida 33472.

**11. Adjournment**

There being no further business, the meeting was adjourned at 8:36 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**  
**June 20, 2022**

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

The U.S. Army Corps of Engineers (USACE) is on schedule to complete its re-evaluation of Lake Okeechobee operations by October 2022.

Activities completed to date included:

- Approved Project Management Plan and Review Plan
- Public Scoping/Plan Formulation
- Alternative Development and Evaluation
- Prepare Draft LOSOM/NEPA (National Environmental Policy Act) document
- Public Comment/Draft LOSOM/NEPA

Activities to be Completed include:

- Release of LOSOM/NEPA documents..... Summer 2022**
- New Schedule in place ..... Early 2023**

After a series of amendments and revisions by a House-Senate conference committee, SB 2508 came out from the conference committee stripped from its attachment to the state budget and won quick approval from lawmakers. And now it's headed to Governor Ron DeSantis' desk. A provision in the bill requires water shortages within the Lake Okeechobee Region to be managed pursuant to Chapters 40E-21 and 40E-22, Florida Administrative Code. **On June 8, 2022, Governor Ron DeSantis vetoed SB 2508.**

**Loxahatchee River Restoration (Minor revision since April 2022)**

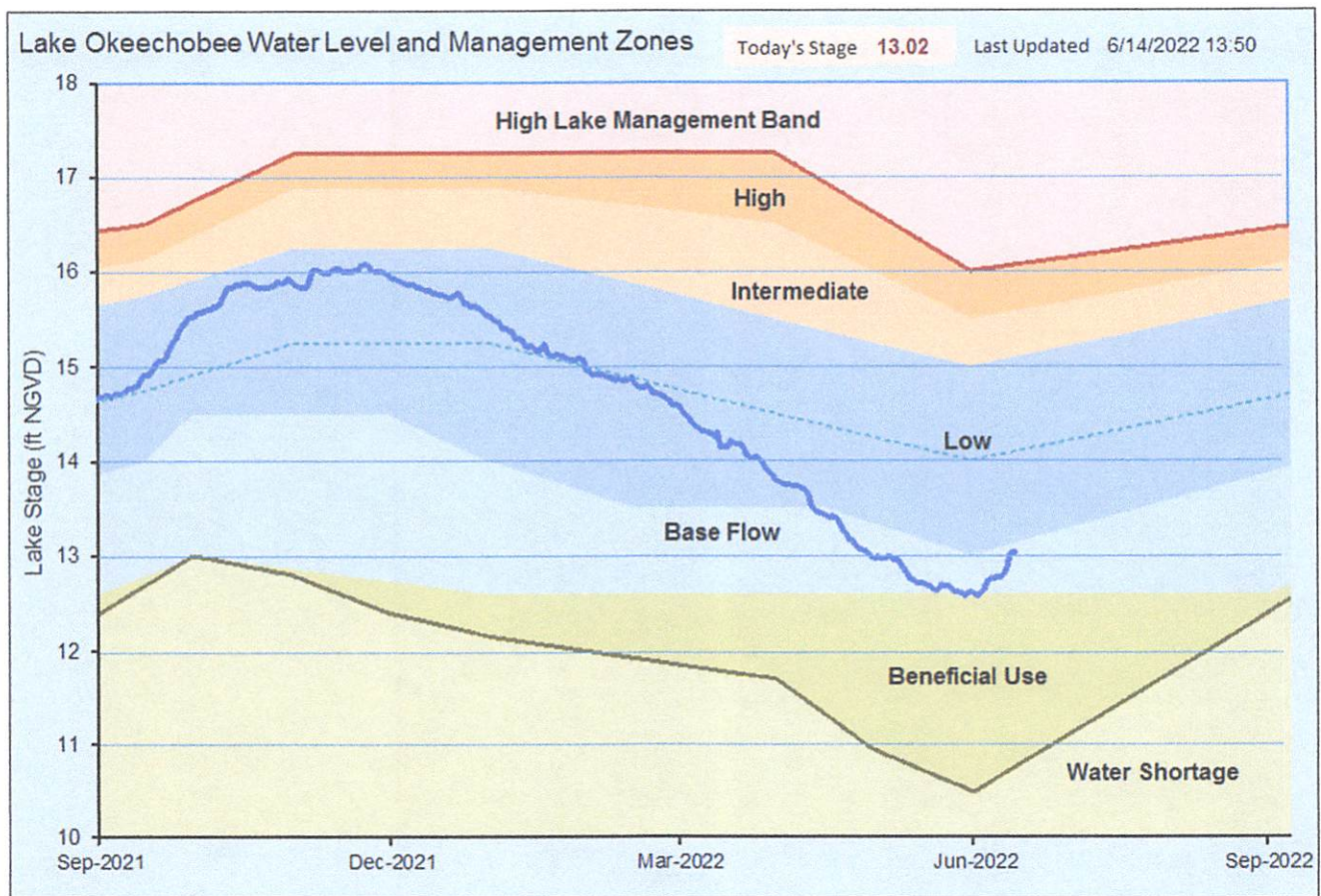
The SFWMD is proposing to amend consumptive use permitting criteria to protect water made available by the Loxahatchee River Watershed Restoration Project (LRWRP). The proposed rule development involves amending the existing Lower East Coast Regional Water Availability criteria to expand the definition of North Palm Beach County/Loxahatchee River Watershed Waterbodies to include the project components identified in the LRWRP.

The rulemaking effort will also adopt rules to protect the groundwater associated with the project's aquifer storage and recovery wells that will be located at the C-18W Reservoir site. The need for rulemaking is twofold: 1) the Northwest Fork of the Loxahatchee River MFL [Rule 40E-8.421, Florida Administrative Code] identifies the Lower East Coast Regional Water Availability criteria as part of the MFL recovery strategy; and 2) the LRWRP is a CERP effort that requires project water be protected. This water resource protection is a prerequisite for the SFWMD signing a Project Partnership Agreement (PPA) with the US Army Corps of Engineers for the LRWRP by September 2022. The existing Lower East Coast Regional Water Availability restricted allocation area boundary includes most, but not all, the areas in the LRWRP.

Several entities (Palm Beach County, City of West Palm Beach, Indian Trail Improvement District) provided comments on March 7, 2022, on the proposed rule. All requested a better understanding of how the proposed rule's restrictions will impact existing consumptive and surface water management permits, permit modifications, permit renewals and new water users. As currently written, it appears that the Proposed Rule could impose water use limitations on existing users and new water users within North Palm Beach County. SFWMD reviewed the comments and made some revisions to the Draft Rule. This Proposed Rule was presented to SFWMD governing board on April 14, 2022 and was approved. **On April 22, 2022 sent out the Notice of Intent to Adopt the Rule. The estimates effective date is summer of 2022.**

**Current Lake Okeechobee Water Levels**

**On June 14, 2022, the Lake level was at 13.02 Feet NGVD. The one- year graph of the Lake Okeechobee water level and in the low management zone. The current level is 2.3 feet above the water shortage zone. Reported release from the Lake are south into the L-8 Canal and west to the Caloosahatchee River. L-8 stage at West Palm Beach M Canal was at 12.6 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.

**According to Palm Beach County Roadway Production the SWMD Administrative Hearing has been rescheduled for October 2022.**

### **County Five Year Road Program Fiscal Year 2021 – FY 2025 (No major revisions since February 2022)**

On December 7, 2021, 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.

60<sup>th</sup> Street North from west of 140<sup>th</sup> Avenue to Avocado Blvd. An estimated cost of \$ 0.5 million for design, right-of-way acquisition and mitigation for a 3-lane road 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 an estimated construction of \$6 million in FY 2023.

60<sup>th</sup> Street North from Seminole Pratt Whitney Road to 140<sup>th</sup> 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 May 6, 2002, I had a TEAMS pre-application meeting with FPL and their consultant on their proposed solar and agricultural farm in Section 28 (Silver Palm Solar). Potential permit application fees include Underground Utility Crossing (\$300), Culvert Connections (\$350), Irrigation Connections (\$300) and a Deposit of \$1,500 for engineering and legal. Both Bobby and I will be coordinating their utility crossing, drainage and water use applications. 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 (No update since June 2021)**

Bobby is coordinating the Water Use Agreement for the 22 acres and water use allocation (3.06MG/M and 15.37 MG/Y. Per 6/15/21 telephone call with Bobby Pontano is considering expanding facilities and may need an Irrigation connection permit.

### **Indian Trail Improvement District Moss Property Pilot Pumping Project (No revisions since October 2021)**

A 25 cubic feet per second pump station discharging from ITID M-1 Impoundment into the Moss/Corbett property have been installed. ITID has installed the monitoring equipment. The system is fully operational but pumping into the Moss property has not occurred.

### **Website Update**

**The cgdd.org website has been updated with the minutes for the May 16, 2022, board meeting and agenda for the June 20, 2022, meeting.**

# Cypress Grove Community Development District

## Operations Report

6/20/22

- On June 18, 2022 the offsite L-8 Canal elevation at the North Pump was 12.3 and the onsite elevation was 17.8 The South Pump offsite elevation was 12.3 and the onsite elevation was 17.8 Lake Okeechobee water level is 12.95 May level was at 12.73
- Canals- Aquatic herbicide in progress & canal bank spot treatment of Florida Holly.
- 2nd quarter pump reports due 7/1/22.
- Side Mowing ongoing.
- Pontano Farms water use.
- Fuel tank inspection. There are no leaks and tanks are working properly at this time. We had 6500 gal of fuel delivered on 3/3/22 and have used 2300 gal since delivery. (NOT UPDATED)
- Capital Improvement Projects and estimated cost.
  1. Replace 60 Ft of 72" pipe at 59<sup>th</sup> & Carol St. (Estimate \$14,000.00 wet install one pipe.)
  2. Marie Ct & Dennis St. Clear & reshape canal banks. (Approx 1.25 miles.)
  3. Rip Rap reshape canal banks N/S pump stations.
  4. Remove brush west canal bank section 29. (Estimate \$15,000.00)
  5. Long reach summer maintenance \$12,000.00
  - 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 & 59<sup>th</sup>. Additional pipe \$16,540.00. Two to three weeks for pipe new pipe delivery.
- ITID officially starting improvements at SRG. Review CDD & SRG projects.
- FPL using temp pump in section 28. Starting permitting for second solar field.
- SRG Canal banks. South Pump station reshape & Clear brush complete.
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