

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
MINUTES

Date: July 18, 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 8:03 A.M.

The Secretary then called the roll, and noted that all Supervisors except Supervisor Elsner were present. The Secretary noted that Supervisor Walsey was attending via speakerphone.

In Attendance:

Board Members: Charles Walsey (via speakerphone), Larry Portnoy, 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 Portnoy, the Board unanimously approved the agenda,

3. Approval of Minutes

By motion by Supervisor Duhaney and second by Supervisor Portnoy, the Board unanimously approved the minutes of the Board of Supervisors Meeting of June 20, 2022.

4. Engineer's Report

The District Engineer distributed and went over a written report (copy attached). He said that he received an email from Jay Foy of ITID which said that ITID is going to start pumping into the Moss property today.

5. Operations Manager's Report

The Operations Manager submitted and went over a written report (copy attached). He said that work on items 1 and 2 on the capital improvements list are on hold until ITID is ready to commence its work in Santa Rosa Groves, but ITID does not have the funding yet. He estimated the cost of item 2 at \$30,000 since he cannot burn the brush and must grind it. He said that on item 1, two pipes are needed to support the flow of water. There is one on hand and a second pipe needs to be purchased. The District Engineer will investigate whether the proposed transfer to the County would reduce the need for the second pipe. Mr. Poyner said that this does not need to be done for about a year.

6. Treasurer's Report

The Treasurer discussed the impact on the District's revenue if properties are taken off the tax rolls by being deeded to ITID and the County. He said that revenues will be reduced while the District's costs will remain roughly the same. The District Engineer suggested that a permit condition could require payment. Another possibility is for an agreement to pay a certain amount to the District, similar to the agreement in place for the County park. The Treasurer said that we will not know about the County until after August.

The Treasurer reported that the bank balance at the end of June was approximately \$277,000. After checks that have been issued and allowing for operating expenses until the end of December, there is approximately \$34,000 available. He is estimating \$50,000 for fuel costs.

7. Attorney's Report

The Attorney stated that all of the Annual Financial Reports and Annual Financial Audit Reports were timely filed last month. He said that there will be a public hearing at the August 15, 2022 meeting to give final approval of the FY 2022-2023 budget and non-ad valorem assessment, so it is important to have a quorum of at least three supervisors physically present. He is sending letters to all landowners and publishing newspaper notices today. The Treasurer asked how we should handle the reduction in acreage by FPL. The Attorney said that we can either reduce our budget by approximately \$750 or increase the assessment per acre by enough to increase the total assessment by \$750. The Treasurer said he does not want to increase the assessment rate since he sees that as condoning what FPL did by deeding the road right of way to ITID. The Attorney said we need to have a discussion with ITID about maintaining Louise and Carol Streets since ITID accepted the ROW deeds for them, which removed them from the tax rolls. Perhaps an interlocal agreement with ITID can be considered.

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 August 15, 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 8:49 A.M.

Charles C. Walsey, Chair

Peter L. Breton, Secretary

Cypress Grove Community Development District
District Engineer's Report
July 18, 2022

Lake Okeechobee System Operating Manual (No revisions since June 2022)

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 (No revision since June 2022)

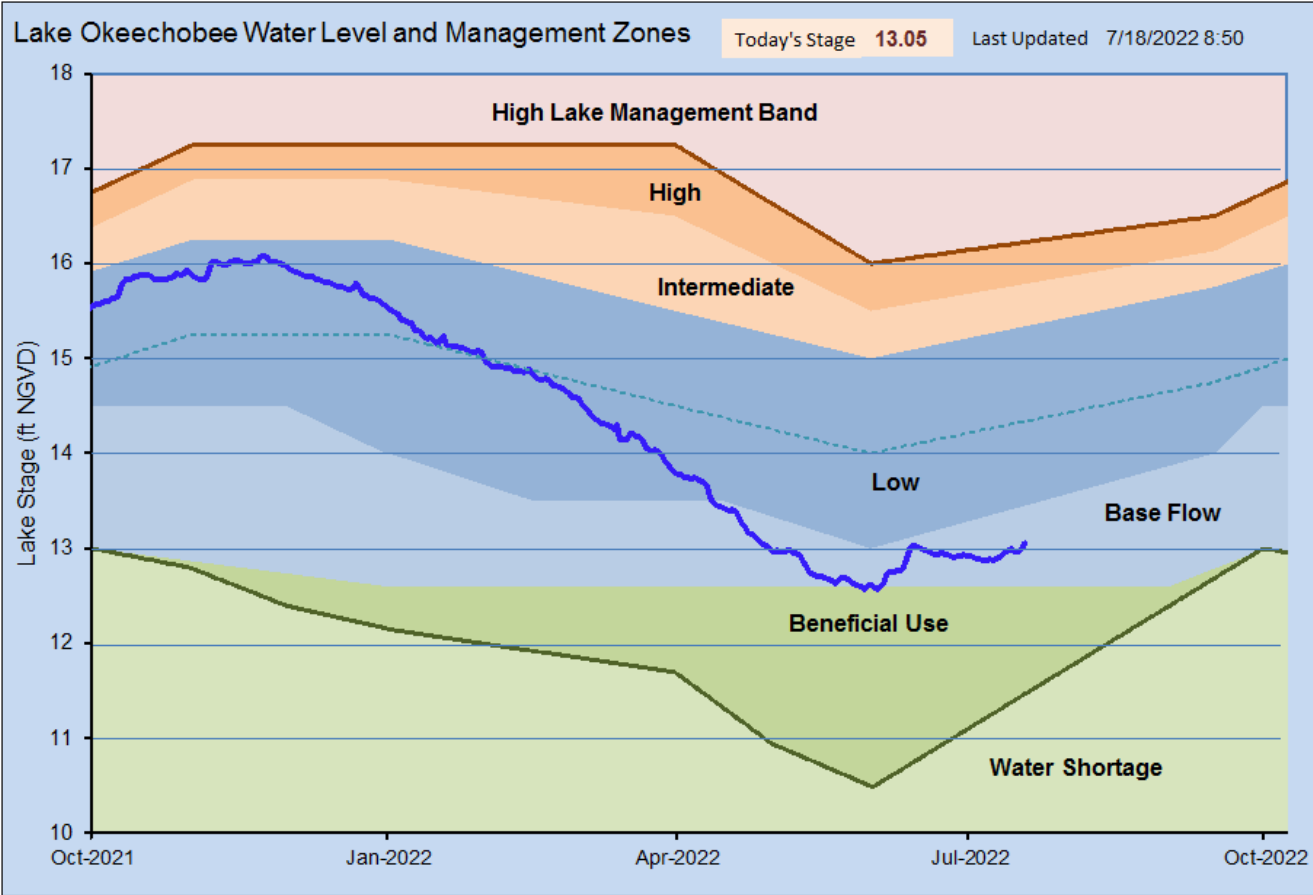
The SFWMD is proposing to amend consumptive use permitting criteria to protect water made available by the Loxahatchee River Watershed Restoration Project (LRWRP). The proposed rule development involves amending the existing Lower East Coast Regional Water Availability criteria to expand the definition 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 July 18, 2022, the Lake level was at 13.05 Feet NGVD. The one- year graph of the Lake Okeechobee water level and in the low management zone. The current level is 1.5 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 12.9 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.

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 revisions since June 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.

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 a 3-lane road in FY 2022.

60th Street North Avocado Blvd. to East of 120th Avenue North. Construction of 1.6 miles of three lane road at an estimated construction of \$6 million in FY 2023.

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

Bobby is obtaining the 2ND quarter water use records. After submittal to Mock Roos our office will process and send to SFWMD.

FPL Silver Palm Solar(No revisions since June 2022)

On May 6, 2022, 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

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. **On July 10,2022 Jay Foy sent me a email indicating ITID will start pumping into the Moss property on July 18, 2022.**

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

7/18/22

- On July 17, 2022 the offsite L-8 Canal elevation at the North Pump was 12.8 and the onsite elevation was 17.5 The South Pump offsite elevation was 12.8 and the onsite elevation was 17.5 Lake Okeechobee water level is 12.99 May level was at 12.95
- 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 5300 gal since delivery.
- 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 & 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 & 59th. Additional pipe \$16,540.00. Two to three weeks for pipe new pipe delivery.
- ITID officially starting improvements at SRG. Review CDD & SRG projects. (Repair Louise Street) CDD regular maintenance. (\$22.00 per acre water discharge fees.??)
- FPL using temp pump in section 28. Starting permitting for second solar field. Request to modify section 33 discharge permit.
- SRG Canal banks. South Pump station reshape & Clear brush complete.
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