

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
MINUTES

Date: February 20, 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 except Supervisor Portnoy were present.

In Attendance:

Board Members: Charles Walsey, Pam Duhaney, Rick Elsner and Patrick Fogarty.

District Engineer: Alan Wertepny

District Attorney: Peter Breton (by speakerphone)

Operations Manager: 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 Duhaney and second by Supervisor Elsner, the minutes of the Board meeting of December 19, 2022 were unanimously approved. After a motion by Supervisor Elsner and second by Supervisor Fogarty, the minutes of the Board meeting of January 16, 2023 were unanimously approved.

4. Engineer's Report

The District Engineer distributed his written report (copy attached). There was discussion of the difference in water use amounts between 2021 and 2022. The difference can be traced to several factors such as updated pump recalibration and the change in use of the FPL solar project. Mr. Poyner described how he is managing aquatic vegetation and debris control to comply with the proposed SFWMD rule on Vegetation and Debris Management. The District Attorney discussed the status of the easement for the north outfall canal through the FPL right of way. The District Attorney updated the Board on his review and revisions to the easement.

5. Operations Manager's Report

The Operations Manager distributed his written report (copy attached). He reported on a meeting with Rob Robbins of ITID on the situation at Carol Street and the pipes. He is waiting to hear what ITID comes back with. The Board discussed what maintenance the District is required to provide for the canals serving the County park. The Attorney will review the agreement with the County and advise the Board.

6. Treasurer's Report

The Treasurer was not in attendance so there is no report this month.

7. Attorney's Report

The Attorney showed the Board the location of the proposed outfall canal easement from FPL. He explained that the easement should stop at the edge of the already existing 50 foot wide mutual easement which parallels the L-8 right of way. He requested that Supervisor Elsner have the surveyor modify the sketch and legal description.

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 March 20, 2023 at 8:00 A.M. at 8756 Boynton Beach Boulevard, Suite 2100, Boynton Beach, Florida 33472.

11. Adjournment

Upon motion by Supervisor Duhaney, seconded by Supervisor Fogarty, the meeting was adjourned at 8:44 A.M.

Charles C. Walsey, Chair

Peter L. Breton, Secretary

**Cypress Grove Community Development District
District Engineer's Report
February 20, 2023**

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 adoptionin 2023

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:

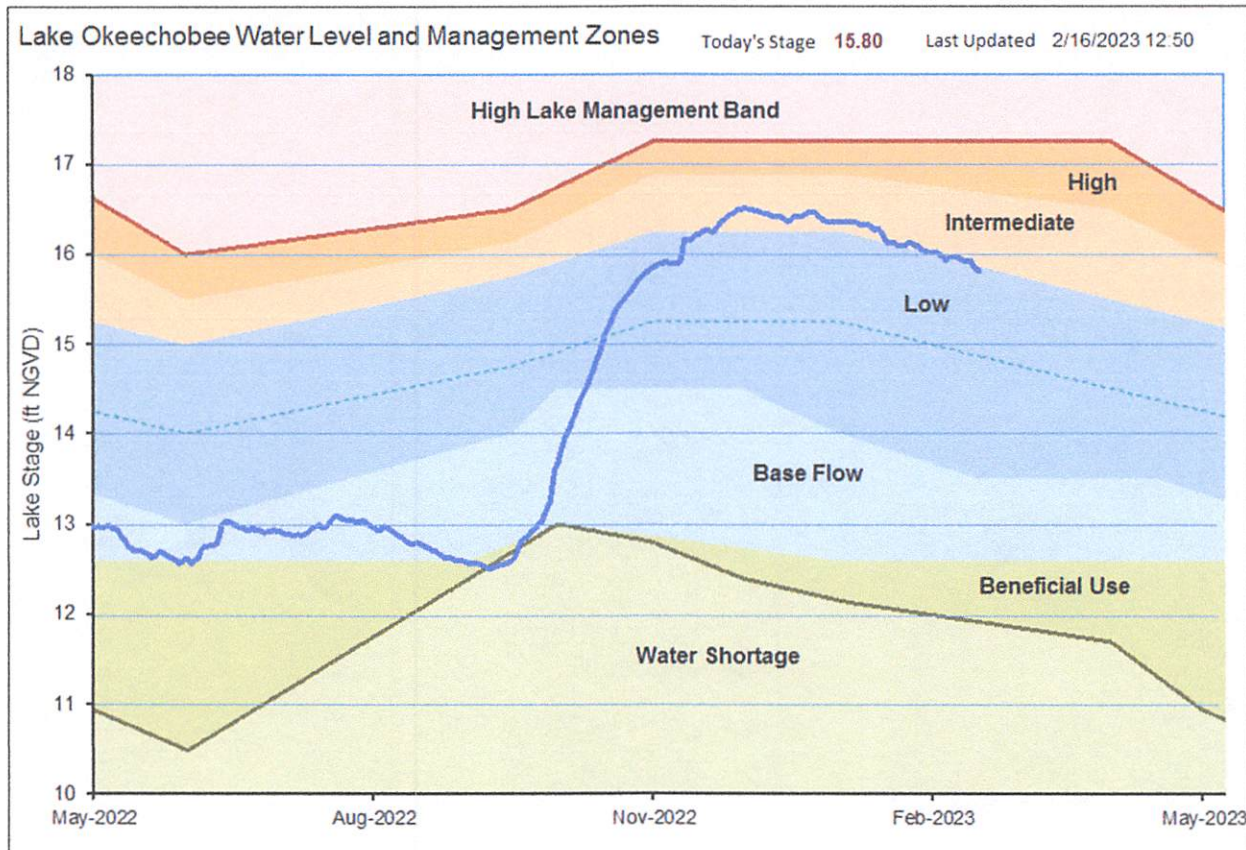
- Project authorized by Congress – Water Resources Development Act 2020
- Restricted Allocation Area (RAA) rulemaking – June 2022
- Pre-partnership Credit Agreement (PPCA) – July 2022

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 February 16, 2023, the Lake level was at 15.8 Feet NGVD. The one-year graph of the Lake Okeechobee water level is above the Intermediate Zone (Approximately 3.8 feet above the Water Shortage Zone). Reported release from the Lake are west into the Caloosahatchee River, east into St. Lucie Canal and south into the L-8 Canal, Miami Canal, Hillsboro /North New River Canal, and West Palm Beach Canal. The L-8 Canal stage at West Palm Beach M Canal was at 13.6 feet NGVD. The State 7 Divide Structure was open and 108 cfs was discharged to Tide.



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

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 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 third and fourth quarter reports for 2022 were submitted to SFWMD. An Updated Pump data table is attached. The yearly pumping amount for 2022 was 56.1 % of our annual allocation.

SFWMD Proposed Rule 40E-7 Canal Management Plan for Vegetation, Trash and Debris (No updates since January of 2022)

On January 10, 2023, SFWMD held a public workshop to start the 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. CGCDD will not be required to submit the plan to SFWMD unless requested by SFWMD. They did indicate there will be additional workshop(s) before this rule is finalized and implemented. It looks like it may still be some time before the rule goes into effect.

FPL Silver Palm Solar Facility

On January 11, 2023, FPL consultant has submitted updated drainage report, replacing the two discharge control structures with stormwater pump stations, and plans. Bobby has coordinated with FPL for removal of vegetation within CGCDD canal easements. **Outstanding issue is the CGCDD easement across FPL lands along the east side of the L-8 Canal and for the CGCDD easement at the northeast corner of Carol St. and Louise St. A draft easement agreement is being reviewed by Peter and Palm West Associates attorney. I recommend that we do not issue the permit without a signed agreement.**

FPL Sable Palm Solar Facility

On January 11, 2023, FPL consultant submitted a drainage permit modification to add additional solar collector yard expansion and modify the two control structures with an operable gate for discharges into the CGCDD canals. Per Bobby an operating agreement for the operable gates will be needed. I will obtain a copy of LWDD agreement to see if its appropriate for our use with some revisions.

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. **We have received the initial \$1,800 fee for the application. 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)

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 cubic feet per second. 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 reading closer to the inflow pump were higher than those further away.

Website Update

The cgdd.org website has been updated with the minutes of the January meeting agenda for the February 20, 2023, meeting.

Cypress Grove Community Development District

Operations Report

2/20/23

- On February 19, 2023 the offsite L-8 Canal elevation at the North Pump was 13.7 and the onsite elevation was 18.0 The South Pump offsite elevation was 13.7 and the onsite elevation was 18.0 Lake Okeechobee water level is 15.73 January level was at 16.28
- Canals- Aquatic herbicide in progress & canal bank spot treatment of Florida Holly.
- First quarter pump reports due 4/1/23.
- 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 6997 gal of fuel delivered on 11/2/22 and have used 3000 gal since delivery. (Repair Scheduled)
- 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 \$25,000.00
 - 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. (February 2023) Review CDD & SRG projects. (Repair Louise Street) CDD regular maintenance. (Flooding Louise St) ITID take over of Louise St.
- FPL using temp pump in section 28. Starting permitting for second solar field. Request to modify section 33 discharge permit.
- FPL easement Legum & Carol St. & CDD L-8 Easement update.
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- 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)
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