

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT  
BOARD OF SUPERVISORS  
MINUTES

Date: April 17, 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 8:04 A.M.

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

In Attendance:

*Board Members:* Charles Walsey, Larry Portnoy, Pam Duhaney and Patrick Fogarty.  
*District Engineer:* Alan Wertepny (via Microsoft Teams)  
*District Attorney:* Peter Breton (via Microsoft Teams)  
*Operations Manager:* Robert Poyner, RLP Property Services, Inc. (via Microsoft Teams)

2. **Approval of Agenda**

After a motion by Supervisor Portnoy 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 March 20, 2023 were unanimously approved.

4. **Engineer's Report**

The District Engineer presented his written report (copy attached). Regarding the FPL Silver Palm Solar Facility, there has been no reply to the draft corner clip easement we provided.

5. **Operations Manager's Report**

The Operations Manager distributed his written report (copy attached). He said that we are receiving aquatic vegetation in the water being pumped out of the farm, so he will need to deal with that. He is caught up on mowing and has not done any mowing this month, He has used 3400 gallons of fuel but since 1000 gallons went into filling he tanks only 2400 gallons were actually consumed. He has told Rob Robbins that he will need to put up barriers to catch the vegetation from the main discharge from Section 34. The Board instructed Mr. Poyner to send him a written notice along with the pictures. He said FPL is laying down road base along Louise Street. The District Engineer said we cannot block their existing connection, but it will be a condition of the permit for the connection. The Attorney said it is unclear if the District can hold ITID responsible for our costs due to the discharges from Santa Rosa Groves, since that was part of the original overall stormwater drainage permit and also is subject to the Mutual Easement Agreement for Indian Trails. Mr. Poyner will call Rob Robbins and send an email, and inform them to start the permitting process with the District Engineer. The Attorney and the Engineer said that there are general conditions in the existing SFWMD permit that can be invoked.

6. **Treasurer's Report**

The Treasurer reported that the balance at the end of March before he issued any checks was \$358,970. Projecting out the expenses until the end of the calendar year, it will be very tight.

7. **Attorney's Report**

The Attorney said that we must file the annual financial audit for the prior fiscal year not later than the end of June and there are no extensions possible. Ben Farkas is working on the audit. If we could review it at the May meeting, that would be great. Otherwise it must be approved in June. The other thing is that we must begin the process of adopting a budget for the next fiscal year. He will provide a proposed budget for consideration at the May meeting. Finally, he pointed out that the new easement from FPL for the north outfall requires the District to provide \$3M of liability insurance to FPL. He asked Comm. Portnoy how that was going. He will work on it.

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 May 15, 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 Fogarty, the meeting was adjourned at 8:35 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  
April 17, 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 adoption .....in 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:

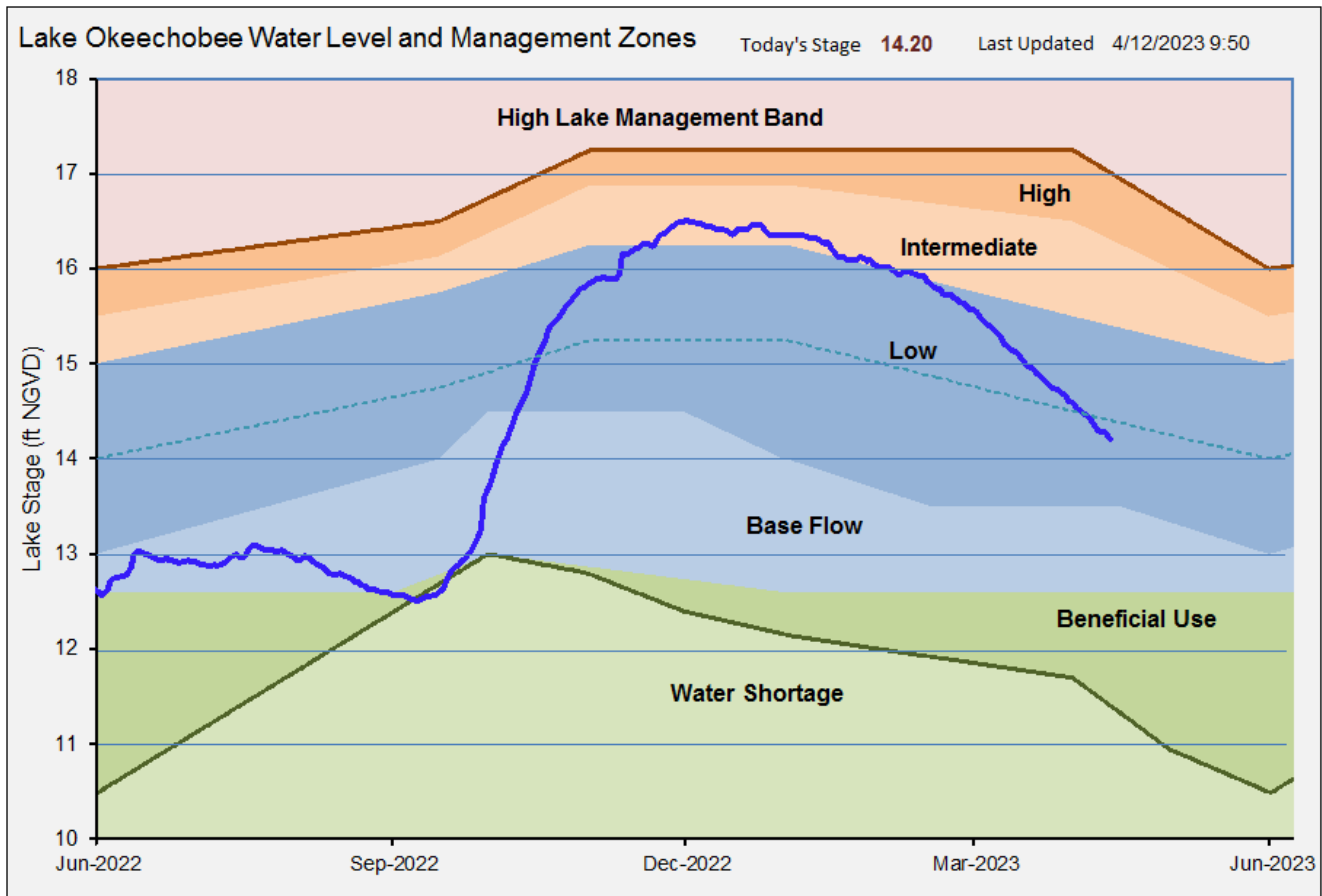
- Project authorized by Congress – Water Resources Development Act 2020
- Restricted Allocation Area (RAA) rulemaking – June 2022
- Pre-partnership Credit Agreement (PPCA) – July 2022

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 April 12, 2023, the Lake level was at 14.20 Feet NGVD. The one-year graph of the Lake Okeechobee water level is within the Intermediate Zone (Approximately 2.8 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. The L-8 Canal stage at West Palm Beach M Canal was at 13.7 feet NGVD. The L-8 Divide Structure is and 117 cfs is being 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.

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

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 0.8 miles of a three-lane road in FY 2025.

60<sup>th</sup> Street North from Seminole Pratt Whitney Road to 140<sup>th</sup> 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 first quarter reports for 2023 is due to SFWMD. Bobby is preparing the data needed for this report.**

## **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**

**We have issued the Silver Palm drainage connection permit. Construction is underway and Booby is coordinating with FPL CGCDD has received ta copy of the recorded easement across FPL lands along the east side of the L-8 Cana. We still need to process for FPL a CGCDD easement at the northeast corner of Carol St. and Louise St. Peter and Larry coordinating.**

## **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. In a March 31, 2023, email, FPL indicated that they will be sending in revised details for the operable control structure. The draft permit contains provisions to contact Bobby for approval to operate the control structures I am waiting on FPL to finalize permit drawings so I can process the permit.**

## **Section 29 Pontano**

**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**

[https://d.docs.live.net/b178303ae61e4ef3/Documents/Client Files/Cypress Grove/1/Minutes/2023/20230412\\_CYPR\\_District's Engineer's Report \(04-17-23 Mtg \).docx](https://d.docs.live.net/b178303ae61e4ef3/Documents/Client Files/Cypress Grove/1/Minutes/2023/20230412_CYPR_District's Engineer's Report (04-17-23 Mtg ).docx)

**The [cgdd.org](http://cgdd.org) website has been updated with the minutes of the March meeting agenda for the April 20, 2023, meeting.**

# Cypress Grove Community Development District

## Operations Report

4/17/23

- On April 14, 2023 the offsite L-8 Canal elevation at the North Pump was 14 and the onsite elevation was 17.5 The South Pump offsite elevation was 14 and the onsite elevation was 14.0 Lake Okeechobee water level is 14.20 March level was at 14.94
- 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 7018 gal of fuel delivered on 3/8/23 and have used 3400 gal since delivery. (Pump Repair Needed)
- 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. 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 & 59<sup>th</sup>. 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.
- 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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