

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
MINUTES

Date: May 15, 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 8:05 A.M.

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

In Attendance:

Board Members: Charles Walsey, Larry Portnoy, Pam Duhaney and Rick Elsner.
District Engineer: Not present
District Attorney: Peter Breton (via Microsoft Teams)
Operations Manager: Robert Poyner, RLP Property Services, Inc.

2. Approval of Agenda

The Attorney requested that the previously distributed agenda be amended to delete Item 6.b. Approval of Financial Audit Report and substitute Item 6.b. Adoption of Resolution No. 2023-1 (Proposed Budget and Setting Public Hearing Date). After a motion by Supervisor Portnoy and second by Supervisor Duhaney, the Board unanimously approved the agenda, as amended.

3. Approval of Minutes

After a motion by Supervisor Portnoy and second by Supervisor Duhaney, the minutes of the Board meeting of April 17, 2023 were unanimously approved.

4. Engineer's Report

The District Engineer was unable to attend. His written report was received and entered into the Minutes (copy attached).

5. Operations Manager's Report

The Operations Manager distributed his written report (copy attached). He reviewed the status of the work he is undertaking. He reported that FPL has completely redone the road between Sections 28 and 33 with rock. Supervisor Portnoy stated that GL Homes may need to extend 60th Street all the way to the southeast corner of Section 31. Mr. Poyner said that the road is already there, all the way to the L-8 canal. It may need to be improved, but the road exists. He explained what ITID planned to do with this road, known as Marie Court. He said that the canal adjacent to Marie is heavily wooded and the CDD may need to do something about it in the future. Supervisor Elsner said that it is important that when the CDD is developed with residential to have all of the canals function for drainage.

6. Treasurer's Report

The Treasurer reported that the balance at the end of May before he issued any checks was \$366,805. Projecting out the expenses until the end of the calendar year, it will be very tight. He reported that Ben Farkas is working with the auditors to wrap up the annual financial audit, which will be ready for review and approval next month.

The Attorney stated that the proposed budget he circulated is based on the prior year's budget with minor adjustments. The assessment rate and total revenue remain the same. The Board can increase the

budget and assessment at final adoption since this is an assessment not an ad valorem tax. Supervisor Portnoy moved approval of Resolution No. 2023-1 to adopt the proposed preliminary budget and set the date of the public hearing for August 21, 2023. Supervisor Elsner seconded and the motion was unanimously approved.

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.

8. Comments by Supervisors

Supervisor Portnoy reported that GL Homes' comprehensive plan amendment was transmitted by the County Commission earlier this month and comes back for adoption later this year. It appears that this will become reality. The County is focusing on the expenses of the water project and the CDD assessment. He asked the Attorney to look at the benefits that the County land in Section 17 and 20 would receive and whether the CDD can assess the County land and for how much. The Attorney said it is possible to break down the district into areas that receive different levels of benefits. Supervisor Elsner asked if it would be better to address this through an MOU with the CDD assessing all the land equally and giving the County a reimbursement if necessary. He does not want to create a situation where everyone asks for a reduction for different levels of benefits. Chair Walsey asked if we could establish units of development with different assessments. The attorney said that this is what he was describing. Supervisor Portnoy said that he sees the district's cost going up and asked how they would be allocated. The Attorney said that you start by looking at the major services that the CDD provides and how each parcel is benefited by each service. For example, canal and canal bank maintenance. The canals are a system that provides drainage and water transport to the entire district and the County parcels will receive the benefits along with all of the other parcels. The County will also receive the benefit from the operation of the pumps since they will transfer water from the L-8 to Sections 17 and 20 which the County will store there. He said that Freidland Park is a long-standing agreement under which the County agreed to pay for drainage services at the overall assessment rate, so it is not a precedent for this situation. Supervisor Portnoy said that the district's expenses will not go down, but if the County is reimbursed, then the balance of the district will bear a greater share. He said this will be an issue for us to think about in the next couple months. The Attorney said that we also need to determine who is going to own and operate the additional pump facilities.

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 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 Elsner, seconded by Supervisor Duhaney, the meeting was adjourned at 8:38 A.M.

Charles C. Walsey, Chair

Peter L. Breton, Secretary

**Cypress Grove Community Development District
District Engineer's Report
May 15, 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 an update to the Palm Beach County Water Resources Task Force the Projects Status Included:

Tasks Completed:

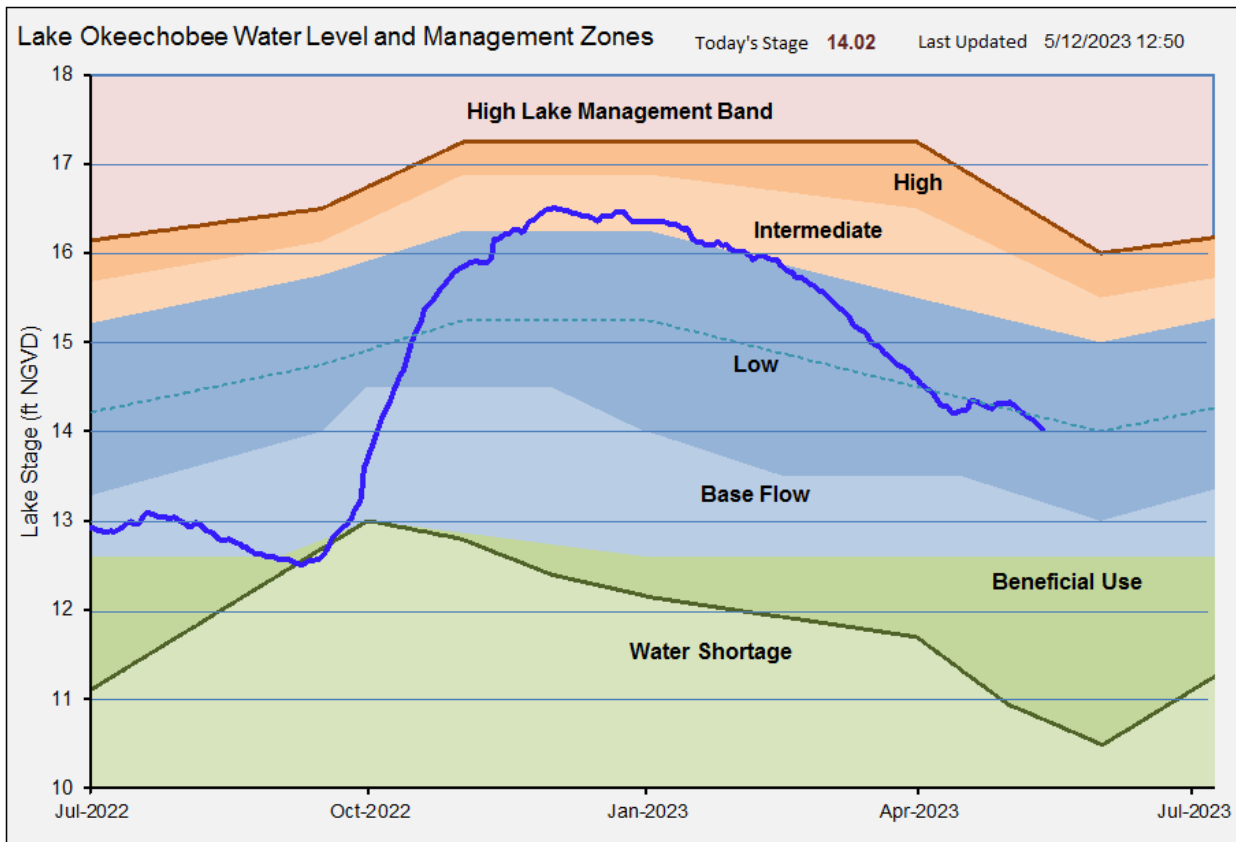
- Project authorized by Congress – Water Resources Development Act 2020
- Restricted Allocation Area (RAA) rulemaking – June 2022
- Pre-partnership Credit Agreement (PPCA) – July 2022

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 May 12, 2023, the Lake level was at 14.02 Feet NGVD. The one-year graph of the Lake Okeechobee water level is within the Low Zone (Approximately 3.2 feet above the Water Shortage Zone). Reported release from the Lake are west into the Caloosahatchee River and south into the L-8 Canal, Hillsboro/North New River Canal, West Palm Beach Canal, and Miami Canal. The L-8 Canal stage at West Palm Beach M Canal was at 13.4 feet NGVD.



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 first quarter report for 2023 was submitted to SFWMD. Be advised that as the ITG Water Resource Project is permitted with SFWMD, Cypress Grove CDD will need to modify its SFWMD Water Use Permit and reduce the Allocation for the ITG WRP and FPL Solar Fields. The estimated reduction is 70%.

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 and Sable Palm Solar Facilities.

FPL is processing an additional \$5,500 permit fees to cover drainage modifications to controls structures and construction phase services. Booby is coordinating with FPL. We are waiting on FPL to reactivate discussions for an easement to CGCDD easement at the northeast corner of Carol St. and Louise St.

Section 29 Pontano (No revisions since February 2023

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 April meeting agenda for the May 15, 2023, meeting.

Cypress Grove Community Development District

Operations Report

5/15/23

- On May 14, 2023 the offsite L-8 Canal elevation at the North Pump was 13.3 and the onsite elevation was 17.0 The South Pump offsite elevation was 13.3 and the onsite elevation was 17.0 Lake Okeechobee water level is 13.98 April level was at 14.20
- Canals- Aquatic herbicide in progress & canal bank spot treatment of Florida Holly.
- First quarter pump reports submitted to Alan.
- 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 3900 gal since delivery. (Pump Repair Needed)
- 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. 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 & 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.
- 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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