

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
MINUTES

Date: September 18, 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 the Chair, Charles Walsey, at 8:00 A.M.

The Chair then called the roll, and noted that all Supervisors, (except Rick Elsner) were present.

In Attendance:

Board Members: Charles Walsey, Larry Portnoy, Pamela Duhaney and Patrick Fogarty

District Engineer: Alan Wertepny

District Attorney: Peter Breton (via speakerphone)

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 Portnoy and second by Supervisor Fogarty the Board unanimously approved the minutes of the Board of Supervisors' Meeting of August 21, 2023.

4. **Engineer's Report**

The District Engineer presented his written report (copy attached).

5. **Operations Manager's Report**

The Operations Manager discussed his written report (copy attached).

6. **Treasurer's Report**

The Treasurer reported that the bank balance as of August 31 was \$165,000. Checks in the amount of \$37,000 were written, moving forward we have \$127,000, which means we could break even depending on the fuel. We are trying to resolve the insurance issue we had when we did the deal with FPL to relocate the easement. We are supposed to give FPL a \$3 million in liability coverage, which we are doing, but they require us to add them as additional insured and our insurance company refuses to do it because they only insure governmental agencies and they are not a government. We are awaiting a reply from FPL.

7. **Attorney's Report**

The Attorney noted that September will be the end of our fiscal year and we have 60 days after that in which to amend the budget (if needed). District Attorney Peter Breton requested that Supervisor Portnoy provide the actual expenditures and actual revenues for the year. We will need to see where we stand with our adopted budget and if we're out of sync like last year we'll have to do a budget amendment to bring it back into balance.

The Attorney brought up that we are going to have the election in November for three of the seats on the board. He will provide the names of the seats up for re-election and send out proxies to everybody.

Attorney Breton also mentioned that he will be retiring and the CDD will need to obtain a new Attorney. A few suggestions were made for replacement and Supervisor Portnoy will need to determine who to reach out to for a possible replacement.

Supervisor Portnoy brought up the MOU for the Water Project and questioned who would be part of the Agreement and that we should have an Addendum to that Agreement prepared.

8. Comments by Supervisors

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

There being no further comments from Supervisors and no comments by the public, the Chair announced that the next meeting would occur on October 16, 2023 at 8:00 A.M. at 8756 Boynton Beach Boulevard, Suite 2100, Boynton Beach, Florida 33472.

11. Adjournment

Upon motion by Supervisor Duhaney and second by Supervisor Fogarty, the Board unanimously voted to adjourn at 8:34 A.M.

**Cypress Grove Community Development District
District Engineer's Report
September 18, 2023**

Lake Okeechobee System Operating Manual (LOSOM)

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 n 2023

On March 1, 2023, National Marine Fisheries. A division of NOAA requested an formal biological review of the impact of LOSOM, as currently drafted, on red tide on Florida’s west coast. The request pushed back the expected date of implementation from June 2023 to December 2023. **The National Marine Fisheries Service (NMFS) missed their deadline of August 30, 2023, to complete its biological assessment.**

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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:

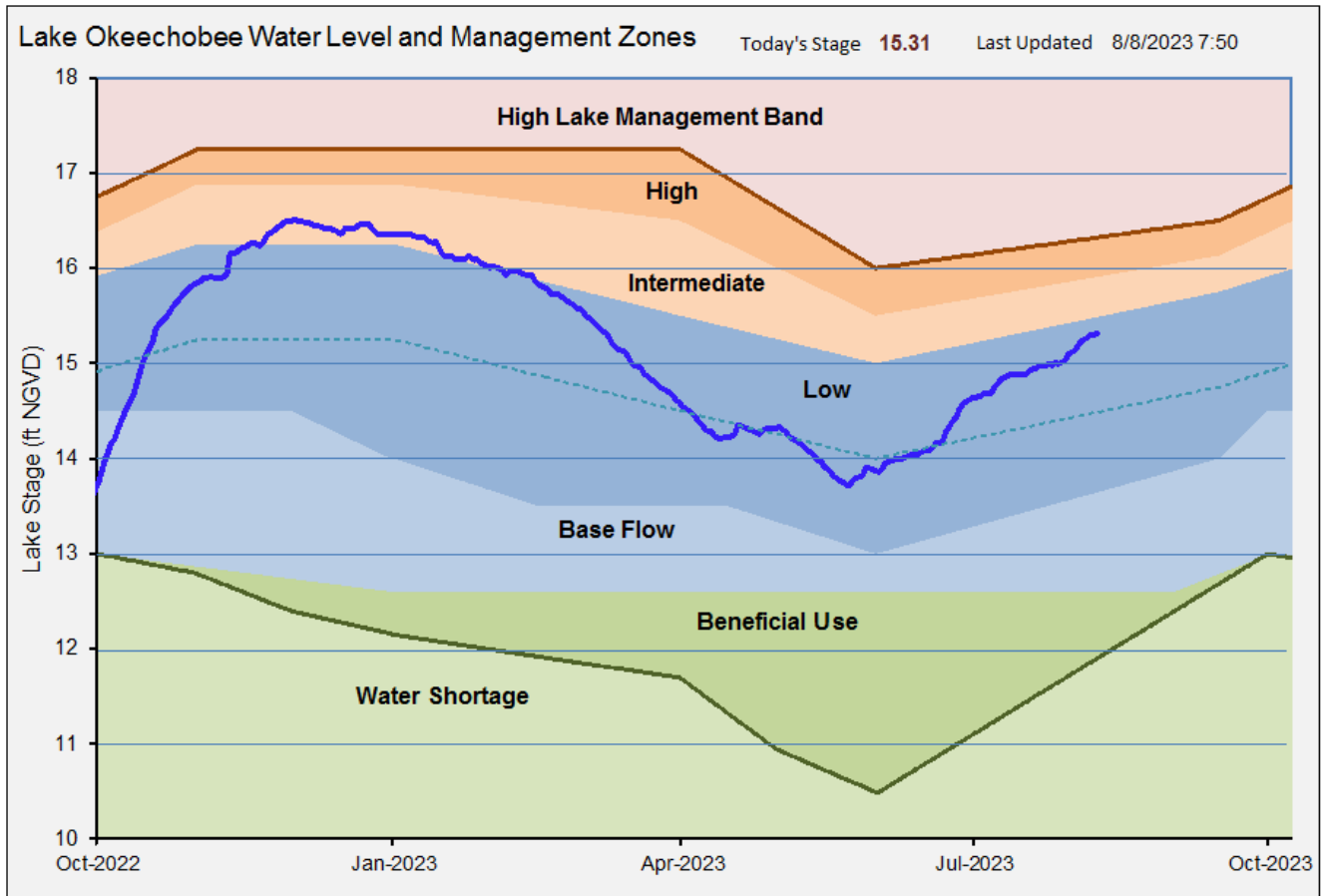
- Project authorized by Congress – Water Resources Development Act 2020
- Restricted Allocation Area (RAA) rulemaking – June 2022
- Pre-partnership Credit Agreement (PPCA) – July 2022

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
- **Design on Mecca major Impoundment is in progress**

Current Lake Okeechobee Water Levels

On August 16, 2023, the Lake level was at 15.3 Feet NGVD. The one-year graph of the Lake Okeechobee water level is within the Low Zone (Approximately 3.1 feet above the Water Shortage Zone). Reported release from the Lake are west into the Caloosahatchee River, east to the St. Lucie Canal and south into the L-8 Canal. The L-8 Canal stage at West Palm Beach M Canal was at 14.6 feet NGVD.



SR 7 Extension from Okeechobee BLVD to Northlake Blvd (No revisions since November 2022)

The City of West Palm requested an administrative hearing on SFWMD permit for SR7 Extension. This hear has been delayed and has not been rescheduled.

County Five Year Road Program Fiscal Year 2023 – FY 2027 (No major 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. Construction of the drainage system is underway south of Northlake Blvd.

Seminole Pratt Whitney & Northlake Blvd. intersection improvements at an estimated construction cost of \$5.41 million with an estimated beginning date of February 2022. Construction of the drainage system is underway.

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 No revisions since August 2023

SFWMD Proposed Rule 40E-7 Canal Management Plan for Vegetation, Trash and Debris (No Revisions since June 2023)

SFWMD held a second public workshop on their proposed 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. In a letter dated May 24, 2023, the Florida Association of Special District provided comments on the proposed program. FASD raised the following issues:

1. Lack of a list, map, GIS layer, database or some other identifying criteria of areas that are and are not subject to the proposed rules.
2. Allowance for a time extension for implementation for budgeting, procurement, contracting, and/or updating water control plans.
3. Concerning increased costs for special districts.
4. Appears to be duplication of similar requirements already incorporated in other District regulatory criteria. Expand exemptions to include existing regulatory programs.

FPL Silver Palm and Sable Palm Solar Facilities. (No revisions since July 2023)

FPL contractor is proceeding with construction of the drainage modifications. Booby is continuing to coordinate with FPL and their contractor for the clearing and removal of the h, vegetation along CGCDD canal easements adjacent to Silver Palm (Section 28-north, east and south sides). He is also coordinating the construction of the drainage control structure riser modifications for Sable Palm. We are still waiting on FPL to reactivate discussions for an easement to CGCDD easement at the northeast corner of Carol St. and Louise St.

Indian Trail Improvement District Moss Property Pilot Pumping Project (No revisions Since November 2022)

Website Update

The cgdd.org website has been updated with the minutes of the August 2023 meeting and September 18, 2023, agenda.

Cypress Grove Community Development District

Operations Report

9/18/23

- On September 17, 2023 the offsite L-8 Canal elevation at the North Pump was 14.0 and the onsite elevation was 17.6 The South Pump offsite elevation was 14.0 and the onsite elevation was 17.6 Lake Okeechobee water level is 15.4 August level was at 15.36
- Canals- Aquatic herbicide in progress & canal bank spot treatment of Florida Holly.
- Pump reports due October.
- Side Mowing ongoing.
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- 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 4400 gal since delivery.
- Capital Improvement Projects and estimated cost.
 - 1.
 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.

- School lake retention.
- ITID Review CDD & SRG projects.
- Discussion 59th Ln N. (FPL)
- FPL easement Legum & Carol St. & CDD L-8 Easement update.
- Corbett Draining in to West Canal Section 19.
- Projects to complete. (Repair canal bank east canal 21&22
- Water boom estimate \$3000.00 (GEI Works)
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