

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT  
BOARD OF SUPERVISORS  
MINUTES

Date: December 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 Chair Walsey at 8:00 A.M.

The Secretary then called the roll and noted that all Supervisors except Pam Duhaney were present.

In Attendance:

<i>Board Members:</i>	Charles Walsey, Larry Portnoy, Rick Elsner, and Pat Fogarty (via Microsoft Teams).
<i>District Engineer:</i>	Alan Wertepny
<i>District Attorney:</i>	Peter Breton (via Microsoft Teams)
<i>Operations Manager:</i>	Robert Poyner, RLP Property Services, Inc.
<i>District Manager:</i>	Michael McElligott, SDS, Inc.

**2. Approval of Agenda**

After a motion by Supervisor Portnoy and second by Supervisor Elsner, the Board unanimously approved the agenda.

**3. Introduction of Special District Services, Inc. Representative**

Mr. McElligott introduced himself. He gave his personal and professional background, and also gave some background on the management firm, Special District Services, Inc. The Board welcomed Mr. McElligott and expressed their excitement for this new chapter in the District. The Board also expressed their deep appreciation for the years of service provided by Mr. Breton and wished him well in retirement.

**4. Approval of Minutes**

- a. After a motion by Supervisor Portnoy and second by Supervisor Elsner, the minutes of the Landowners Board meeting of November 20, 2023, were approved 4-0 with no changes.
- b. After a motion by Supervisor Portnoy and second by Supervisor Elsner, the minutes of the Regular Board meeting of November 20, 2023, were approved 4-0 with no changes.

**5. Engineer's Report**

The District Engineer presented his written report (copy attached). At the request of Mr. Breton, Mr. Wertepny went into some depth on the LOSOM (Lake Okeechobee System Operations Manual) so as to help Mr. McElligott get an idea of why it is important to Cypress Grove CDD. In summary, Lake Okeechobee is the main water source for the District so the levels and/or stages of the water in the lake and in the L-8 canal are important to monitor for the users in the District which are primarily in agriculture. Mr. Wertepny then continued to go through the various items noted in his written report. There were minor updates on most items, with some extended conversation regarding the County Road Program. Also, there was confirmation from Mr. McElligott that SDS, Inc. will be taking over the website responsibilities from the engineer. Mr. McElligott said he would confirm with his staff that we are set and do need anything additional from Mr. Wertepny concerning the website turnover.

**6. Operations Manager's Report**

The Operations Manager distributed his written report (copy attached). He went over some water levels and some needed vegetation work in the canals and some mowing. He stated that they will begin the repairs on 59<sup>th</sup> shortly. He updated the Board that they received a fuel tanker in December. He updated that the problem with flooding at the school is not a District issue, so there won't be a need for more updates on that.

## 7. Treasurer's Report

### a. Financial Status

The Treasurer, Mr. Portnoy, reported that he has not received the November bank statement yet but that he will have approximately \$7,700.00 in the bank at the end of the calendar year. Mr. Portnoy also informed Mr. McElligott that part of the boxes being turned over to SDS, Inc. today will include deposit slips. He also informed Mr. McElligott that now, Mid December, is typically when we start receiving the bulk of the NAV Assessments for the District and he will let him know when those checks come in.

### b. Consider Resolution 2023-05 – Changing Signing Authority at Synovus Bank

Mr. McElligott explained that this will allow his office to take over check signing, and therefore bill paying authority for the District. Mr. McElligott also explained that this resolution will add SDS, Inc. as authorized signers on the account, and it will also keep Mr. Portnoy as a signer on the account. Mr. McElligott also explained that SDS, Inc. uses a service called Bill.com to pay bills through ACH or check. Mr. McElligott also explained how the approval process would work and how Mr. Portnoy would be involved in the approval of the invoices prior to issuing the checks. After a motion by Supervisor Portnoy and second by Supervisor Elsner, Resolution 2023-05 was approved 4-0.

There were some additional questions regarding reports to the Board and the Audit reports to the State. Mr. McElligott explained that they were still getting everything set up in their accounting software, but that in the future he will be able to bring financial reports to the meetings with year-to-date and budget vs actual information. When discussing the state audit, Mr. McElligott explained that he and SDS, Inc. are very familiar with Grau and Associates so there will be no issues working with them for the audit.

### c. Authorization for SDS to Open an Account with a New Bank

Mr. McElligott explained that during the transition period, we will keep the banking at Synovus, but SDS, Inc. does not have a relationship with that bank, so we would like authorization to be able to move the District funds to a different bank that SDS, Inc. has an established relationship within a few months. After a motion by Supervisor Portnoy and second by Supervisor Elsner, the motion to Authorize SDS to Open an Account with a New Bank was approved 4-0.

### d. Consider Approval of Retention and Fee Agreement with KutakRock LLP

Mr. Breton went over the Retention and Fee Agreement for KutakRock, LLP for legal services for the District. Mr. Breton explained that there is no upfront cost, that KutakRock would bill only on a as needed basis based on the hourly rate schedule in the agreement. With this agreement, there is nothing exclusive, the Board can choose to change firms in the future if needed. Also, KutakRock currently does work for another GL Homes CDD, Corkscrew Crossing. Since they would be on an as needed basis, Mr. McElligott said he would take direction from the Board as to when they want Kutak to call into Board meetings, but for now there is no need for them to do so. After a motion by Supervisor Portnoy and second by Supervisor Elsner, the motion to approve the Retention and Fee Agreement with KutakRock, LLP. was approved 4-0.

## 8. Attorney's Report

Mr. Breton helped explain the KutakRock, LLP Retention and Fee Agreement. He had nothing further to report.

## 9. Comments by Supervisors

The Board again expressed their gratitude to Mr. Breton and wished him well in his retirement. Mr. Breton said he believes the Board and the District are in good hands with SDS, Inc. going forward.

**10. Comments by Public**

There were no members of the public present.

**11. Announcement of Next Meeting Date**

The Chair announced that the next meeting would occur on January 15, 2023, at 8:00 A.M. at 8756 Boynton Beach Boulevard, Suite 2100, Boynton Beach, Florida 33472.

**12. Adjournment**

Upon motion by Supervisor Portnoy and second by Supervisor Elsner, the meeting was adjourned at 8:46 A.M.

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Rick Elsner, Vice Chair

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Pamela Duhaney, Secretary

# Cypress Grove Community Development District Engineer's Report for December 18, 2023

## **Lake Okeechobee System Operating Manual (LOSOM) No update on progress since September 2023**

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

On March 1, 2023, National Marine Fisheries. A division of NOAA requested a 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. To date I have not found any media posted updates.

## **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 Project Status included:

Tasks Completed:

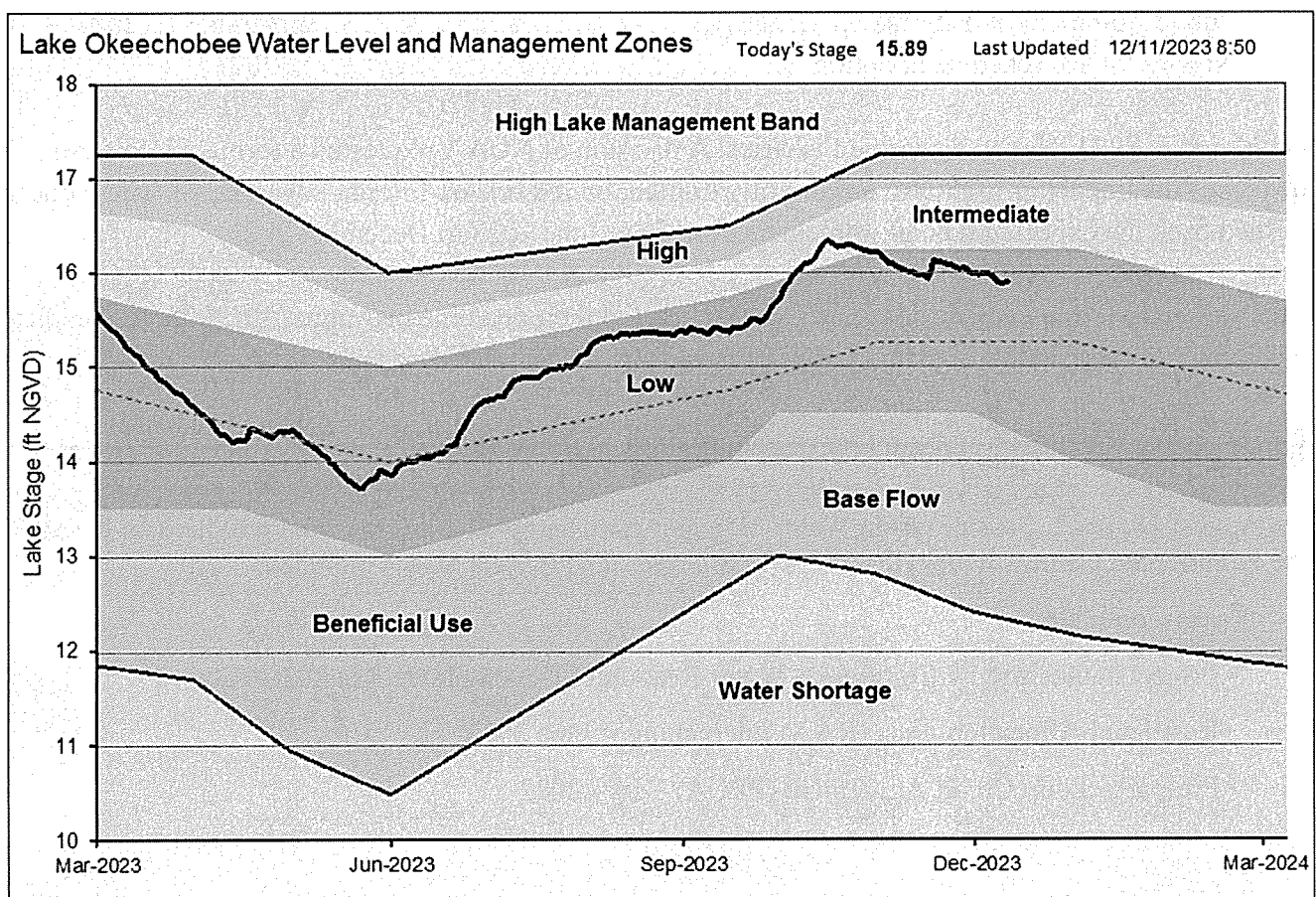
- Project authorized by Congress – Water Resources Development Act 2020
- Restricted Allocation Area (RAA) rulemaking – June 2022
- Pre-partnership Credit Agreement (PPCA) – July 2022

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 December 11, 2023, the Lake level was at 15.89 feet NGVD. The one-year graph of the Lake Okeechobee water level is within the Low Zone (Approximately 3.5 feet above the Water Shortage Zone). Reported releases from the Lake are west into the Caloosahatchee River and south into the L-8 Canal, West Palm Beach Canal, and Hillsboro/North New River Canal. The L-8 Canal stage at West Palm Beach M Canal was at 13.8 feet NGVD.



### SR 7 Extension from Okeechobee BLVD to Northlake Blvd (No revisions since November 2023)

The City of West Palm requested an administrative hearing on SFWMD Environmental Resource Permit and the Consumptive Use Permit for SR7 Extension. The ERP hearing started in October 2023 and involves SFWMD, FDOT, PBC and CWPB. The hearing has been postponed and is likely to reconvene in January or February of 2024. The CUP permit hearing will follow the ERP hearing.

**County Five-Year Road Program Fiscal Year 2024 – FY 2028 (No revisions since November 2023)**

Within the next 5 years Palm Beach County Roadway Production Division has seven roadway improvement projects for three roads within the vicinity of our District. **Seminole Pratt**

**Whitney Road and Northlake Boulevard** widening projects are underway. **60<sup>th</sup> Street North Improvements** are projected to begin in 2025. Below is a listing of the seven segments of roadway improvements for these three roads.

**Seminole Pratt Whitney Rd. from Orange Blvd to south of Northlake Blvd** widening from 2 to 4 lanes (1.8 miles) at an estimated construction cost of \$10.7 million.

**Seminole Pratt Whitney & Northlake Blvd.** intersection improvements at an estimated construction cost of \$5.41 million.

**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,

**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.

**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.

**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 Avocado Blvd. to East of 120<sup>th</sup> Avenue North.** The construction cost is estimated to be \$5 million for 1.6 miles of a three-lane road in FY 25 and FY26.

At last month's CGCDD meeting Larry Portnoy requested information on the right-of-way for the 60 the Street North roadway improvements. Morton Rose (PBC Director of Roadway Production) was contacted. The segment from **Seminole Pratt Whitney Rd. to 140<sup>th</sup>** will require a 100' R/W to be provided by Minto/Westlake. Portions of the required R/W alignment are either in easements or lands owned by Minto. One easement is dedicated to the City of West Palm Beach, and one is dedicated to the Seminole Improvement District.

The segment from **140<sup>th</sup> to Avocado Blvd. & Avocado Blvd. to 120<sup>th</sup> Ave.** is an existing 80' R/W, with ultimate 100' R/W. An additional 20' of R/W will be needed from the residential properties to the south.

**SFWMD Water Use Permit (No revisions since November 2023)**

The 3<sup>rd</sup> quarter water use report to SFWMD.

**\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 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 Solar Facilities (No revisions since November 2023)**

Silver Palm - Discharge pump installations are in progress. Bobby is monitoring it. 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.

**Website Update**

**The cgcdd.org website has been updated with the minutes of the November 2023 meeting and December 18, 2023, agenda.**

# Cypress Grove Community Development District

## Operations Report

12/18/23

- On December 17, 2023 the offsite L-8 Canal elevation at the North Pump was 15.7 and the onsite elevation was 18.4 The South Pump offsite elevation was 15.7 and the onsite elevation was 18.4 Lake Okeechobee water level is 15.81 November level was at 15.93
- Canals- Aquatic herbicide in progress & canal bank spot treatment of Florida Holly.
- Pump reports due January 2024.
- Side Mowing ongoing.
- Discussion 59<sup>th</sup> Lane & north canal road repairs.
- Fuel tank inspection. We had 6953 gal of fuel delivered on 12/7/23 and have used 0 gal since delivery.
- Capital Improvement Projects and estimated cost.
  1. Repair Canal Bank 59<sup>th</sup> & Washouts interior CDD Canals.
  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. (GL issue)
- ITID Review CDD & SRG projects.
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- 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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