

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
MINUTES

Date: January 15, 2024
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 Vice Chair Rick Elsner at 8:00 A.M.

The Secretary then called the roll and noted that all Supervisors except Charles Walsey were present.

In Attendance:

Board Members: Larry Portnoy, Rick Elsner, Pam Duhaney, and Pat Fogarty.
District Engineer: Alan Wertepny
Operations Manager: Robert Poyner, RLP Property Services, Inc.
District Manager: Michael McElligott, SDS, Inc. (via Microsoft Teams)

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

a. After a motion by Supervisor Fogarty and second by Supervisor Duhaney, the minutes of the Regular Board meeting of December 18, 2023, were approved 4-0 with no changes.

4. Engineer's Report

The District Engineer presented his written report (copy attached). Mr. Wertepny stated he is still waiting to see a final version of the LOSOM. He stated there is nothing new related to the Loxahatchee River Restoration project. He gave updates regarding the county's roadway plans including the construction on Pratt-Whitney Rd. Mr. Wertepny stated he has received the 4th quarter report for the SFWMD water use permit and he is processing it. Finally, he commented on the FPL Silver Palm Solar Facility that they should be close to finalizing their permit.

5. Operations Manager's Report

The Operations Manager distributed his written report (copy attached). He went over some water levels and some needed vegetation spraying. There was then a conversation with the Board and the professionals regarding vegetation coming into the system from outside owners and leases. Mr. Poyner said he would talk to the parties involved. Mr. Wertepny said he would check the permit for the language regarding this. Mr. Poyner then discussed the problem of some landowners stockpiling horse manure too close to the canals which could be causing water quality issues. Mr. Wertepny said there are county ordinances that state where they can store it, how close to the canal. The water quality issues can then affect the food testing for the food growers. Mr. Poyner said he would keep the Board updated on the situation and any communications. Mr. Poyner then showed some pictures of work recently done. There was also some conversation of rocks that's been generated and stacked and that they could be used to finish off some riprap areas. The consensus of the Board was to have Mr. Poyner go ahead with that plan. Mr. Poyner then showed the Board 2 spots where he is concerned about required hedge plantings FPL will have to do related to a county permit they have. Mr. Poyner suggested the CDD could provide a letter asking for a permit modification that would remove the planting requirement in those areas because the

hedges could hinder the CDD's ability to get through those areas to perform maintenance. The Board agreed that a letter should be done and directed Mr. McElligott to write the letter with help from Mr. Poyner.

6. Treasurer's Report

a. Financial Status

The Treasurer, Mr. Portnoy, reported that he has received more of the revenue and the CDD finished the calendar year with \$427,408. This will be the vast majority of the revenue for the year. Mr. Portnoy commented that he had a few invoices to get processed. Mr. McElligott went over the procedure for getting those invoices to SDS, Inc. and how they will get processed. There was also discussion regarding getting the NAV Assessments from the county switch from check payments to wire payments. That should all happen in the next few months.

b. Designating Michael McElligott as the District Assistant Secretary and Assistant Treasurer

Mr. McElligott explained that this is standard procedure when SDS, Inc. is the manager of a district. This will allow Mr. McElligott and SDS, Inc to sign documents or speak on the Districts when the Board has authorized something like changing banks or signing off on the audit. After a motion by Supervisor Portnoy and second by Supervisor Fogarty, to designate Mr. McElligott District Assistant Secretary and Assistant Treasurer was approved 4-0.

7. Attorney's Report

This item will be changed to the Manager's Report. Mr. McElligott did not have anything additional to add for today.

8. Comments by Supervisors

There were no additional comments from the Supervisors.

9. Comments by Public

There were no members of the public present.

10. Announcement of Next Meeting Date

The Vice Chair announced that the next meeting would occur on February 19, 2024, 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 meeting was adjourned at 8:49 A.M.

Charles C. Walsey, Chair

Pamela Duhaney, Secretary

Cypress Grove Community Development District Engineer's Report for January 15, 2024

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 adoptionin 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:

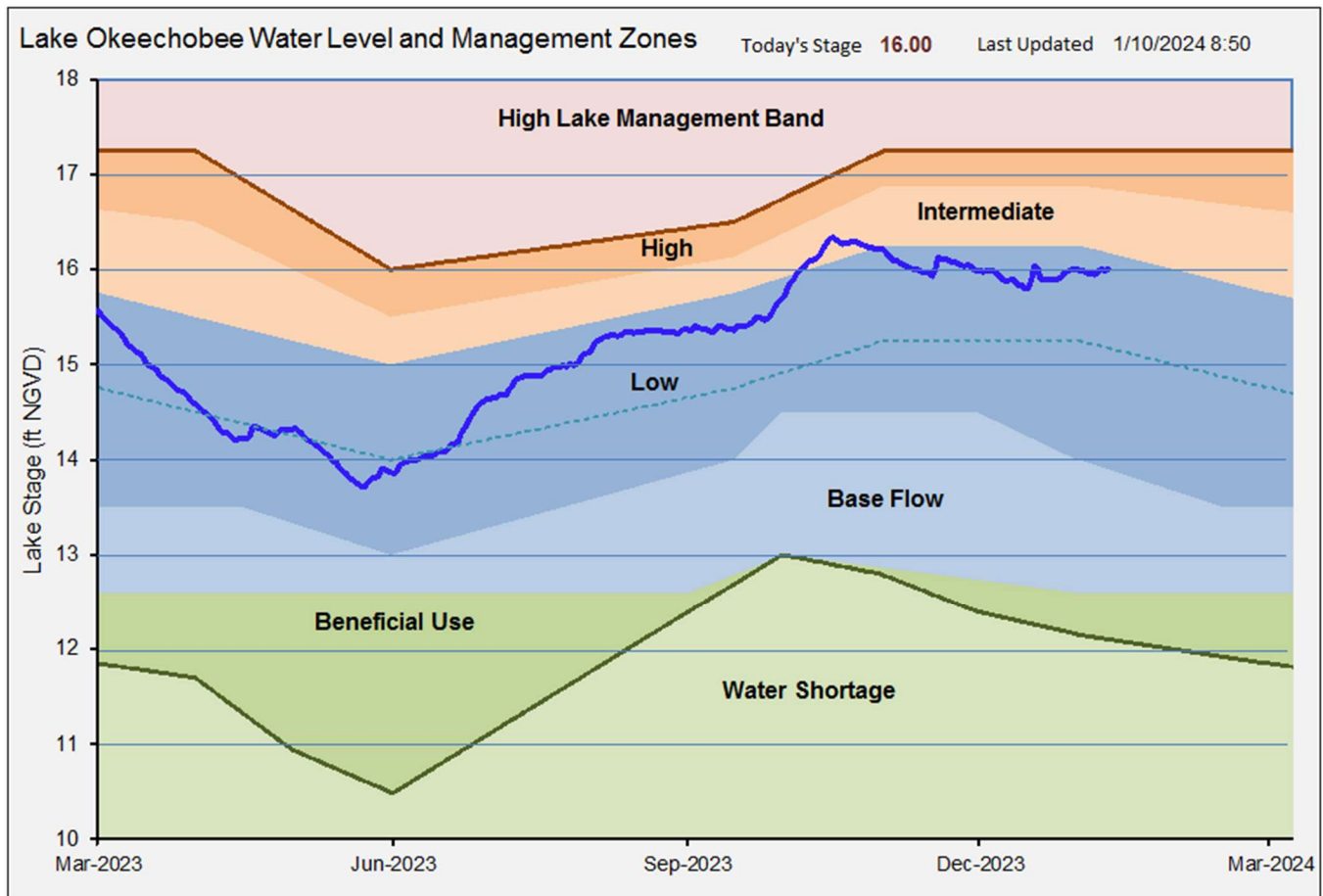
- Project authorized by Congress – Water Resources Development Act 2020
- Restricted Allocation Area (RAA) rulemaking – June 2022
- Pre-partnership Credit Agreement (PPCA) – July 2022

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 January 10, 2024, the Lake level was at elevation 16.0 feet NGVD. The Lake Okeechobee water level is within the upper levels of the Low Zone (Approximately 3.8 feet above the Water Shortage Zone). Reported Lake releases are west into the Caloosahatchee River and south into the L-8 Canal and West Palm Beach Canal, The L-8 Canal stage at West Palm Beach M Canal was at elevation 14.4 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. 60th 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.

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.

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 Avocado Blvd. to East of 120th 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.

SFWMD Water Use Permit

The 4th quarter water use data was provided by Bobby. Processing and report submittal to SFWMD will occur next week.

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 - Final inspection of the discharge pump installations is underway. 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.

Cypress Grove Community Development District

Operations Report

1/15/24

- On January 14, 2024 the offsite L-8 Canal elevation at the North Pump was 14.2 and the onsite elevation was 17.8 The South Pump offsite elevation was 14.2 and the onsite elevation was 17.8 Lake Okeechobee water level is 16.04 December level was at 15.81
- Canals- Aquatic herbicide in progress & canal bank spot treatment of Florida Holly.
- 4th QTR Pump reports submitted to Alan.
- Side Mowing ongoing.
- Discussion 59th 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 59th & Washouts interior CDD Canals. (Low Spots)
 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. Reshape canal banks section 28.
 - 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.

- SRG horse waste.
- ITID Review CDD & SRG projects.
- FPL Silver Palm – Hedge & Fence.
- 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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