

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT  
BOARD OF SUPERVISORS  
MINUTES

Date: May 20, 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 Chair Walsey at 8:00 A.M.

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

In Attendance:

*Board Members:* Charles Walsey, Rick Elsner, Larry Portnoy, Pam Duhaney, and Pat Fogarty (via Microsoft Teams)  
*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 Elsner and second by Supervisor Portnoy, the Board unanimously approved the agenda.

**3. Approval of Minutes**

a. After a motion by Supervisor Elsner and second by Supervisor Portnoy, the minutes of the Regular Board meeting of April 15, 2024, were approved 5-0 with no changes.

**4. Engineer's Report**

The District Engineer presented his written report (copy attached). Mr. Wertepny discussed the meeting in Broward for the Loxahatchee River Restoration project. He explained that he has looked at the plans for the 3 flow ways. He stated that flow way 2 is the one that would affect Cypress Grove CDD and that the design work is in progress, and they are estimating to start construction in 2026. However, he mentioned that it does not appear they have all the funding secured yet. There was some discussion among the Board. Mr. Wertepny also mentioned that the SFWMD water use permit quarterly report has been submitted.

**5. Operations Manager's Report**

The Operations Manager was not able to attend the meeting in person, but he did submit his written report (copy attached) for the Board to review.

**6. Manager's Report**

a. Financial Status

Mr. McElligott updated the Board on the financial reports sent to Supervisor Portnoy.

b. Other Items

Mr. McElligott updated the Board on the new Form 1 procedure, which is now online instead of a paper document. He noted that some of his Supervisors in his other districts have just started receiving their emails from the State. If by the next meeting any supervisors on this Board have not received their email, Mr. McElligott will explain their next steps.

**7. Comments by Supervisors**

Supervisor Portnoy let the Board know he was ready to have Supervisor Walsey sign the easement with FPL.

Supervisor Portnoy also updated the Board on an Indian Trails ID meeting he attended. The culverts were removed at 59<sup>th</sup> and Carol which caused an uproar with the residents of Santa Rosa Groves. Supervisor Portnoy was asked to give his opinion both from the CDD and GL Homes point of view, and basically neither entity has any problem with the removal. During the meeting Betty mentioned that based on old aerials she believes the CDD may have been involved in relocating a culvert back in 2012 to help straighten out Carol and therefore the CDD may be on the hook to help fund a replacement. The Indian Trails ID approved a resolution to start looking into funding to pay for replacement culverts, which they are estimating to cost \$400,000. Supervisor Portnoy just wanted to let the Board know this may be a further conversation down the road.

**8. Comments by Public**

There were no members of the public present.

**9. Announcement of Next Meeting Date**

The Chair announced that the next meeting would occur on June 17, 2024, at 8:00 A.M. at 8756 Boynton Beach Boulevard, Suite 2100, Boynton Beach, Florida 33472.

**10. Adjournment**

Upon motion by Supervisor Duhaney and second by Supervisor Elsner, the meeting was adjourned at 8:21 A.M.

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Charles C. Walsey, Chair

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Pamela Duhaney, Secretary

# Cypress Grove Community Development District Engineer's Report for May 20, 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 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**

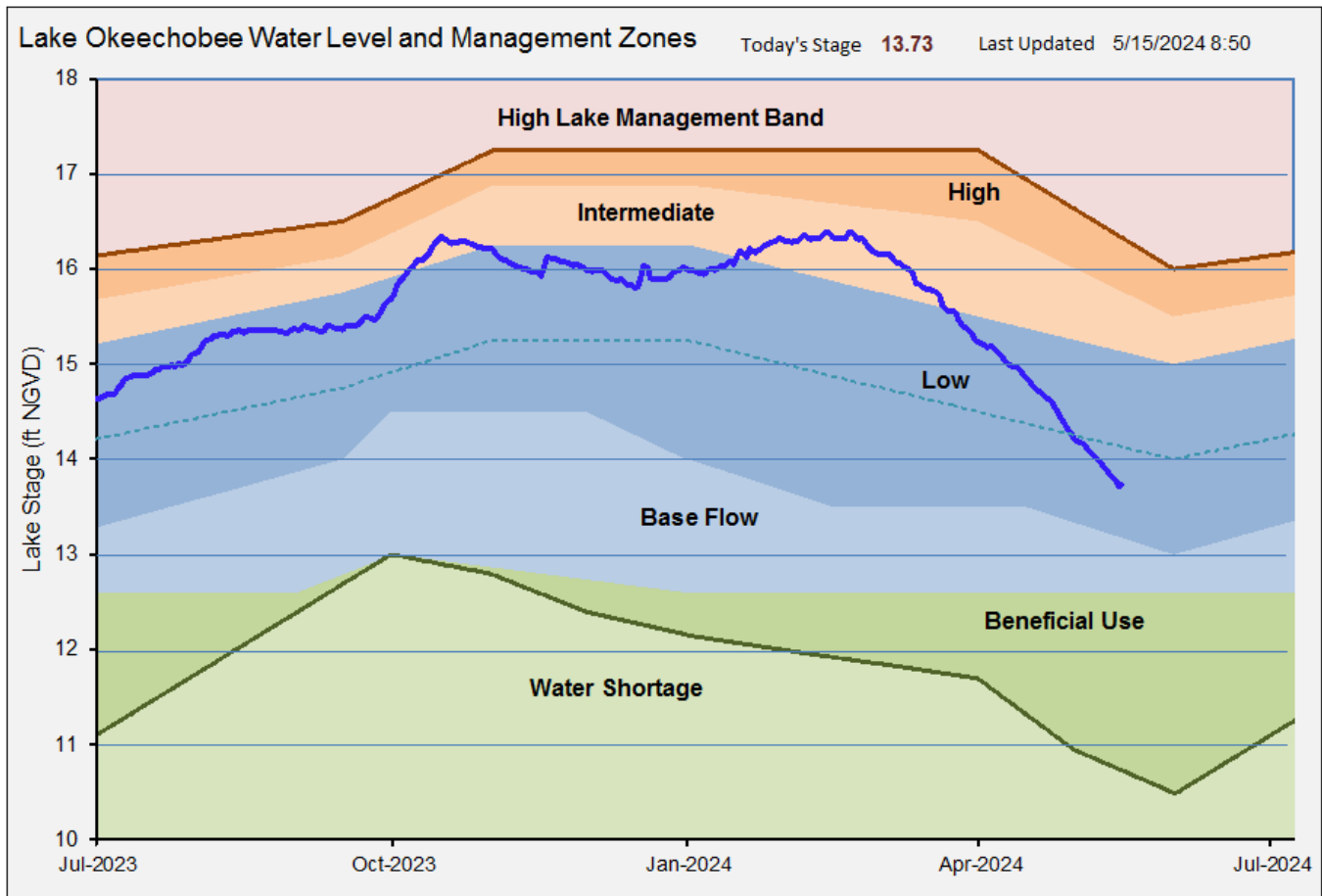
**On May 16, 2022, U.S. Army Corps of Engineers (Tabitha Elkington) and South Florida Water Management District (Ana Carolina Maran) provided an update to the Palm Beach County Water Resources Task Force. Loxahatchee River Watershed Project Status included:**

**Update on 2022 IDS (Integrated Delivery Schedule)- Active and authorized design and construction.**

- **Divided into three Flow-ways. - Flow-way 1 (captures flows from ITID M-1 Basin are conveyed to CWPB M-Canal and then to C-18 Canal for delivery to the Loxahatchee River. Flow-way 2 (captures water from ITID M-1 Basin and JW. Corbett Wildlife Area and stores it in a Reservoir and ASR wells for delivery to the C-18W canal and Loxahatchee River. Flow-way 3 reduces over-drainage of lands in southern Martin County, restores water levels in wetlands and restores base flow to the NWFLR.**
- **Design is underway for all three Flow-ways.**
- **Funding for the canal connecting ITID M-O Canal to the C1W Reservoir is not included in the current authorizations.**
- **Construction of the improvements is scheduled to begin in 2026.**

## Current Lake Okeechobee Water Levels

On May 15, 2024, the Lake level was at elevation 13.73 feet NGVD. The Lake Okeechobee water level is within the Low Zone, approximately 3 feet above the Water Shortage Zone. Reported Lake releases are west to the Caloosahatchee River south into the Hillsboro/North New River, L-8 Canal, Miami Canal and West Palm Beach Canal. The L-8 Canal stage at West Palm Beach M Canal was at elevation 13.7 feet NGVD.



## SR 7 Extension from Okeechobee BLVD to Northlake Blvd (No updates since April 2024)

SFWMD Administrative Final Hearing on SR7 resumed on April 1, 2024. During the first week of the hearing, the City of West Palm Beach presented testimony on possible impacts on water quality in the City's Water Catchment Area, groundwater flows, concerns on FDOT structural design for the sheet pile wall, and City's water supply. On April 4-12, 2024, FDOT, PBC and SFWMD present rebuttal including testifying at length as to why the project meets the environmental criteria for issuance, focusing on project's lack of adverse impacts on either wetlands or on listed species, including Snail Kites. Once the Respondents conclude their rebuttal case, the Administrative Law Judge has indicated that she will allow brief sur-rebuttal by the city.

### **County Five-Year Road Program Annual Update-Fiscal Year 2024 (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.

### **SFWMD Water Use Permit**

**The 1st quarter water use report was submitted to SFWMD on April 29, 2024. Maximum Monthly usage for this three-month period averaged 20% lower than the maximum permitted monthly allocation. A response to Paul Linton's request for documentation of CGCDD operational stages was provided.**

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

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

Lack of a list, map, GIS layer, database or some other identifying criteria of areas that are and not subject to the proposed rules.

Allowance for a time extension for implementation for budgeting, procurement, contracting, and/or updating water control plans.

Concerning increased costs for special districts.

Appears to be duplication of similar requirements already incorporated in other District regulatory criteria. Expand exemptions to include existing regulatory programs.

### **EPL Silver Palm Solar Facilities**

**Silver Palm - Final inspection of the discharge pump installations is complete.**

# Cypress Grove Community Development District

## Operations Report

5/20/24

- On May 19, 2024 the offsite L-8 Canal elevation at the North Pump was 13.5 and the onsite elevation was 17.4 The South Pump offsite elevation was 13.5 and the onsite elevation was 17.4 Lake Okeechobee water level is 13.61 April level was at 14.9
- Canals- Aquatic herbicide in progress & canal bank spot treatment of Florida Holly.
- 1<sup>st</sup> QTR pump reports submitted to Alan.
- Side Mowing ongoing.
- Leak at North Canal Riser. (Partial patch has been made) **(NO CAPITAL PROJECTS SHOULD BE STARTED UNTIL COMPLETION OF THIS REPAIR)**
- Fuel tank inspection. We had 6913 gal of fuel delivered on 5/17/24 and have used 0 gal since delivery. (Vandalism) (New lights have been installed)
- Capital Improvement Projects and estimated cost.
  1. Clean Canal Bottom Between Section 29 & 30.
  2. Remove brush west canal bank section 29. Estimate (\$12,000.00)
  3. Rip Rap reshape canal banks N/S pump stations. (South station started)
  4. Marie Ct. Clear & reshape canal banks. (Approx 1 mile)
  5. Long reach summer maintenance \$17,500.00 (Reduced \$7500.00)
  6. Reshape canal banks section 28.
  7. Reshape & Remove Rock through CDD Canal Banks.
  - 8.
  - 9.
  - 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 (Patch is currently holding)

Future projects clean both sides of district canal banks.

- SRG horse waste.
- ITID Review CDD & SRG projects. (Marie CT)
- FPL Silver Palm – Hedge & Fence. (Canal discharge)
- Repairs at North Pump station.
- 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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