

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
MINUTES

Date: November 18, 2019
8:00 A.M.

Held at
8756 Boynton Beach Boulevard, Suite 2100
Boynton Beach, FL 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 were present.

In Attendance:

Board Members: Charles Walsey, Rick Elsner, Larry Portnoy, Pamela Duhaney and Don Johnson

District Engineer: Alan Wertepny

District Attorney: Peter Breton

Operations Manager: Robert Poyner, RLP Property Services, Inc.

2. Approval of Agenda

After a motion by Supervisor Elsner and second by Supervisor Johnson, the Board unanimously approved the Agenda.

3. Recess for Landowners Meeting

Supervisor Walsey then recessed the Board meeting and called the Annual Landowners meeting to order.

4. Proof of Publication

The District Attorney presented the proof of publication of the meeting. Notice of the meeting was published in the *Palm Beach Post* and a letter was mailed to each landowner at the address on the latest tax roll.

5. Election of Supervisors

Attorney Breton informed the Board that two proxies have been received, one is from Assuit Properties appointing Supervisor Elsner as proxy with 11 votes and Palm Beach West, LLLP submitted its proxy appointing Supervisor Elsner as proxy with 4,922 votes. So there were a total of 4933 votes present.

Attorney Breton stated that the three expiring seats on the Board are Charles Walsey, Larry Portnoy and Don Johnson. He said that since Supervisor Elsner is the only proxy holder present, he gets to nominate the candidates. He nominated three incumbents. Supervisor Duhaney seconded. There being no other nominations, the Chair declared that nominations were closed.

The Chair then opened voting. Supervisor Elsner voted 4,933 votes for Larry Portnoy and Don Johnson, for 4-year terms. He voted 4,932 votes for Charles Walsey for a 2-year term.

6. Administration of Oath of Office

Attorney Breton stated that the re-elected Supervisors did not need to have the oath of office administered since they had previously taken it.

7. Adjournment of Landowners Meeting/Reconvene Board of Supervisors Meeting

Supervisor Elsner moved to close the landowners meeting and reconvene the Board of Supervisors meeting and Supervisor Johnson seconded. The motion passed unanimously.

8. Election of Officers

Supervisor Walsey said that the next order of business is to elect officers for the next two years. Supervisor Elsner nominated Supervisor Walsey as Chair, Supervisor Elsner as Vice Chair, Supervisor Portnoy as Treasurer and Peter Breton as Secretary. Supervisor Johnson seconded and the motion was approved.

9. Approval of Minutes

By motion by Supervisor Elsner and second by Supervisor Portnoy, the Board unanimously approved the minutes of the Board of Supervisors' Meeting of October 21, 2019.

10. Engineer's Report

The District Engineer presented his written report, a copy of which is attached. He handed out a package of documents on the Lake Okeechobee Regulating Schedule (LORS) deviation. He discussed the public meetings on the LORS deviation. He described the proposed deviation and its potential impact on the District. He said that there are no changes to the State Road 7 extension and the County Five Year Road Plan. He said that the 3rd Quarter water usage report has been submitted to SFWMD. He reported on the status of the Loxahatchee River Restoration Local Initiative and the potential impacts to the GL Homes parcels in the District. Supervisor Portnoy reported on his meeting on the issue. Blanca Gardiner, a property owner in Section 29, asked questions about the plans for development of the GL Homes property. Supervisor Portnoy responded that there are no immediate plans for development.

11. Operations Manager's Report

The Operations Manager distributed his written report (copy attached) and discussed it with the Board

Mr. Poyner showed the Board pictures of a canal that Yee Investments has dug on its property and pointed out the location of the District's maintenance easement along the north main canal. Ms. Gardiner and the Board discussed her access and irrigation issues since her property is in the center of Section 29 and does not have frontage on any District canals. Mr. Poyner reported on his contacts with Costa Farms and its irrigation easement issues. Attorney Breton explained that having historical drainage rights across an adjacent property does not give the owner any irrigation rights. Florida law does not recognize historical irrigation rights or easements. The property owners need to resolve the irrigation rights between themselves. Mr. Poyner pointed out that Costa Farms could dig an

irrigation canal within the easement on the east side of Section 29 to connect with the main canal to the north. Mr. Poyner reported on a jeep that crashed into a canal. The jeep was trespassing and there were no injuries. The Board discussed security measures to prevent access from the Corbett property.

12. Treasurer's Report

The Treasurer reported that the account balance at the end of October was approximately \$99,000 and checks outstanding are approximately \$38,000. There is currently approximately \$68,000 available and the first payment of the 2020 assessments has been received.

13. Attorney's Report

The District Attorney stated that the District needs to file its annual Qualified Public Depositor report with the Florida Chief Financial Officer by November 30. Florida Community Bank has been acquired by Synovus Bank. Synovus is a Qualified Public Depository. A confirmation form needs to be obtained from Synovus before we file our annual report. Attorney Breton also stated that he is sending an invoice to Palm Beach County this week for the drainage services for the community park.

14. Comments by Supervisors

There were no additional comments by Supervisors.

15. Comments by Public

Blanca Gardiner discussed her plans for her property with the Board, who directed her to meet with Mr. Poyner after the meeting.

16. Announcement of Next Meeting Date

The Chair announced that the next meeting would occur on December 16, 2019, at 8:00 A.M. at 8756 Boynton Beach Boulevard, Suite 2100, Boynton Beach, FL 33472.

17. Adjournment

Upon motion by Supervisor Elsner and second by Supervisor Johnson, the Board unanimously voted to adjourn at 8:52 A.M.

Charles C. Walsey, Chair

Peter L. Breton, Secretary

**Cypress Grove Community Development District
District Engineer's Report
November 18, 2019**

Lake Okeechobee Regulation Schedule (LORS) –

Re-evaluation of LORS 2008

Currently, the U.S. Army Corps of Engineers (USACE or Corps) is re-evaluating the LORS 2008 to assess opportunities to balance project purposes for flood control, water supply, navigation, recreation, and preservation of fish and wildlife resources. The end result of the LORS 2022 Study will be a new Lake Okeechobee System Operating Manual (LOSOM). The LOSOM project began in February 2019 with National Environmental Policy Act (NEPA) scoping meetings and is expected to be completed by October 2022 with the Record of Decision. As of October 2019, the project is in the Plan Formulation phase.

Recent Revisions– Planned Deviation

At the end of July 2019, the USACE sent out notice of a proposed deviation from the LORS 2008 (and has, in fact, already implemented a deviation). The stated goal of the deviation is the reduction of risk to public health and safety associated with harmful algae blooms (HABs). The notice also states that “The planned deviation will allow the Corps to alter the timing and volume of Lake Okeechobee releases to the WCAs, east, and/or west to allow for greater flexibility with water management decisions when HABs are present or forecasted in Lake Okeechobee, the St. Lucie or Caloosahatchee estuaries or the system of canals that connect them .”

The USACE’s intent is to make slightly larger releases to the east and west than is called for by the LORS 2008 Part D (which establishes releases to estuaries) and make releases south when LORS 2008 Part C (which establishes allowable releases to the Water Catchment Areas (WCAs)) does not allow them. The total annual volume of releases from Lake Okeechobee will remain consistent with what is allowed under LORS 2008.

Figure 1 shows the Lake Okeechobee water level history from July 1, 2018 to October 29, 2019, as well as the projected stages from the most recent SFWMD Position Analysis. It is observed that Lake Okeechobee stages were lowered before the notice of the planned deviation (in July 2019) under the 'Additional Operational Flexibility' clauses of the LORS 2008 schedule, leaving the lake stage at the upper boundary of the Water Shortage Management Band. Then, there were no releases (for a period of time) as the stages dropped into the Water Shortage Management Band. Baseflow releases resumed on October 5, 2019.

Lake Okeechobee Water Level History and Projected Stages

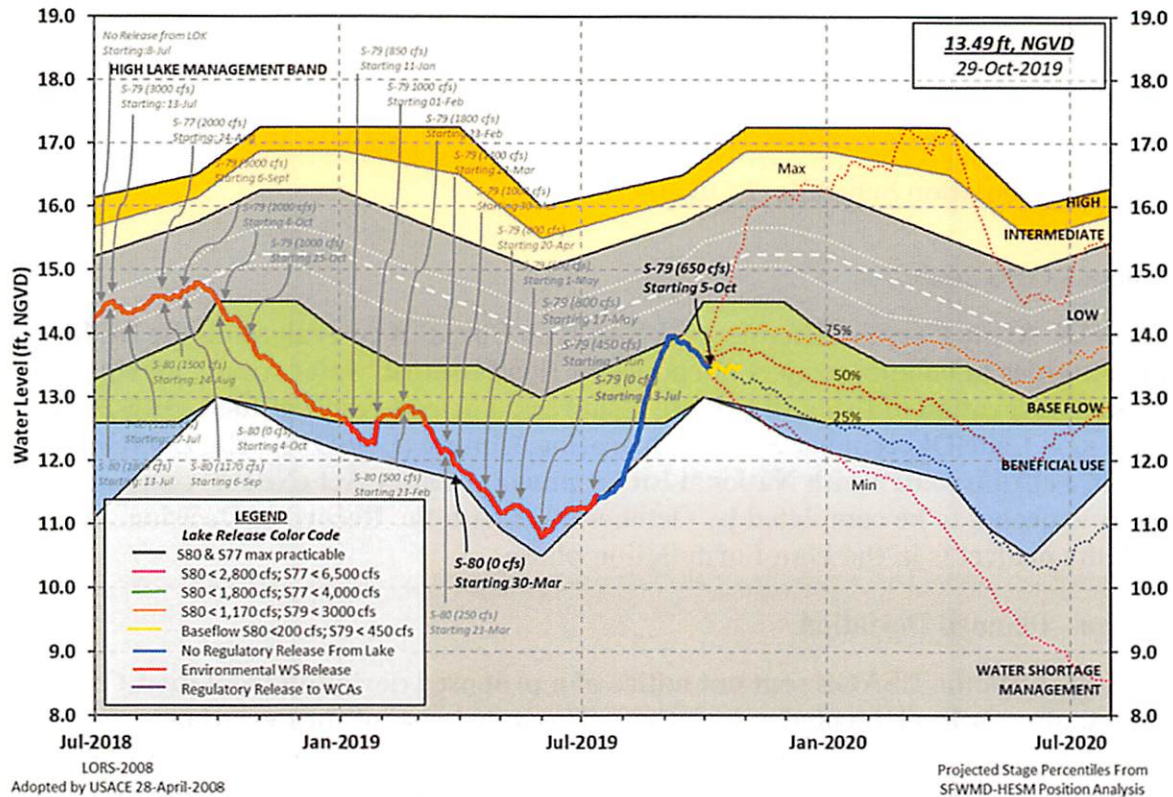


Figure 1. Lake Okeechobee water level history and projected stages
(<https://www.sfwmd.gov/science-data/operational-planning>).

The USACE's Draft Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) entitled "2019 Planned Deviation to the Water Control Plan for Lake Okeechobee and the Everglades Agricultural Area" states that water supply conditions would also be evaluated throughout HAB operations.

"HAB operations would not be implemented in the WSM [Water Shortage Management] band or if significant impacts to water supply (such as risk of falling into the WSM) were high. A buffer of 0.25' above the WSM band would also trigger releases to be reduced or possibly ceased to reduce the risk of falling into this band (see red dashed line in Figure 1). Advance releases would not be utilized if conditions such as drought or La Niña are forecasted, due to the risk to water supply."

The deviation schedule is planned to be in effect for a minimum of one year and may extended until the LORS 2008 schedule is replaced by the new schedule, scheduled for 2022. After one year of implementation, the USACE will re-evaluate for possible extension, modification, or termination.

The Corps has not provided any technical information/ hydrological modeling or performance information to evaluate the potential water supply impacts to existing legal users. As such, there is no basis to determine whether the proposed LORS deviation will provide a 1-in-10 level of drought protection. There is no information to evaluate the potential frequency and severity of water use restrictions/cutbacks on public water supply utilities.

Comments on the proposed deviation closed in September 2019. A number of the comment letters that we reviewed highlighted the complete lack of hydrologic modeling/evaluation and scientific study needed to support the deviation. While support was offered in the effort to mitigate HABs and the associated impacts on the estuaries, many recommendations were made that the deviation not proceed until the proper evaluation of impacts be conducted.

MacVicar Consulting, Inc. used the SFWMD Lake Okeechobee Operations Screening (LOOPS) model (which is being used in the LORS update project for screening purposes) to evaluate the proposed LORS 2008 deviation schedule to assess impacts to the overall system. Below is an excerpt of a summary table that MacVicar presented in its comment letter to the USACE about the proposed deviation of the Lake schedule. Most significant is the increase in the number of months that would experience water shortage conditions: 52 vs 25 months and the number of severe water shortages: 5 vs 13. It should be noted that the initial LOOPS results coming from the LOSOM update project, indicate that the number of months of water shortage for the existing condition is 52, not 25. The reason for the discrepancy is unknown at this time. It should further be noted that the MacVicar analysis was not to recommend any specific plan of action; the intent was to show that the USACE recommended plan for the deviation from LORS 2008 is not appropriate and that a more effective alternative could have been developed.

Green = better; red = worse	LORS08 (No Action)	Alt B (Recommended)
Average Annual LO flow to the Estuaries	753	1020
Years with greater than 500 kaf LO flow to the estuaries during the algae months (June-Sept)	7	3
Years with greater than 150 kaf LO flow to the estuaries during the algae months	15	9
45-year peak stage	17.66	17.65
45-year minimum stage	9.40	8.96
% time stage greater than 15.0	14%	10%
% of time stage less than 11.0	6.9%	14%
Number of times stage less than 11.0 for more than 80 days	8	14
% time stage below 12.56 (navigation limit)	22.1%	37.6%
Number of days stage below 10	231	845
Number of days stage below 9	0	21
Number of Water Shortage months for LOSA	25	52
Number years with a Water Shortage	14	19
Severe Water Shortages (> 100 kaf)	5	13

Potential Impacts

It has been reported that implementation of the LORS 2008 resulted in a reduction in the availability of regional water supply from Lake Okeechobee; the concern is that this proposed deviation could further reduce regional water supply availability, specifically at the times of year when it is needed. However, the lack of scientific data and evaluation, make this conclusion uncertain.

Nonetheless, substantial objections have been raised on the basis that the deviation will result in a reduced ability of the state to fulfill its water supply obligations to existing legal users, such as the City. The USACE has not yet responded to the comments received during the public comment period.

State Road 7 Extension – (No changes from August 19, 2019) On July 17, 2019 Florida Department of Transportation and Palm Beach County submitted letters to South Florida Water Management District requesting to withdraw the Environmental Resource Permit (Acreage Reliever Road Application No. 150410-S). The request was granted.

County Five Year Road Program Fiscal Year 2018 – FY 2022

(No changes from July 15, 2019) On June 18, 2019, the Palm Beach County Commissioners adopted an ordinance to amend the 5-year roadway plan. Construction cost estimates for projects beginning in FY 2019 were increased.

Seminole Pratt Whitney Rd. widening from 4 to 6 lanes from Orange to Northlake Blvd (1.8 miles) at a cost of \$12.1 million being in FY 2019.

Seminole Pratt Whitney Road and Northlake Boulevard intersection improvements at a cost of \$7.4 million being in FY 2019.

Northlake Blvd East of Seminole Pratt Whitney Road east to Hall Blvd widening from 2 to 4 lanes (1 mile) at a cost of \$7.0 million being in FY 2019.

Northlake Blvd east of Hall Blvd. to Coconut widening from 2 to 4 lanes (2.4 miles) at a cost of \$1.1 million in FY 2019 and \$3.0 million in FY 2020 and \$5.2 million in FY 2021.

60th Street North West of 140th Avenue to Avocado Blvd. Study, design and right-of-way acquisition for a 3-lane road in FY 2019 – FY 2020.

60th Street North Avocado Blvd. to East of 120th Avenue North. Construction of 1.6 miles of three lane road at a cost of \$7.0 million in FY 2022.

SFWMD Water Use Permit – Third Quarter usage reports for July through September have been submitted to SFWMD.

Herbert Hoover Dike (No changes from September 17, 2018)

The construction contractor, Harry Pepper and Associates, continues to make progress on construction of replacement culvert structure while temporary culvert provides service. Current construction activities include: (1) installation of rebar, formwork and concrete placement for the Lake side head walls for the new culvert structure and (2) concrete pours on monoliths that will encase the newly installed culvert structures. Scheduled completion of the C-10A culvert construction contract is June 2020.

Loxahatchee River Restoration Local Initiative

The next update on the County's Loxahatchee River Restoration Local Initiative and Mecca Site Evaluation will be at the December 3, 2019 Board of County Commissioner meeting. The briefing to the BCC will be made by Jeremy McBryan (County Water Resources Manager). Two of the three proposed alternatives include a L-8 Shallow Storage Flow-Way on 1,100 acres of GL homes lands (within CGCDD boundary).

Website Update

The cgidd.org website has been updated with the minutes for the September 16, 2019 meeting, agenda for the November 18, 2019 meeting, and comments from Peter Breton.

Cypress Grove Community Development District

Operations Report

11/18/19

- On November 17, 2019 the offsite L-8 Canal elevation at the North Pump was 13.6 and the onsite elevation was 18.00. The South Pump offsite elevation was 13.8 and the onsite elevation was 17.9. Lake Okeechobee water level is 13.28. October level was at 13.44.
- Canals- Aquatic herbicide near completion.
- 3rd quarter reports have been submitted to Alan.
- Yee Farms meeting. (Canal easement)
- New pump station updates.
- Fuel tank inspection. There are no leaks and tanks are working properly at this time. We had 7000 gal of fuel delivered on 4/26/19 and have used 6470 gal since delivery. Pneumetricator has failed and new one has been ordered.
- Capital Improvement Projects and estimated cost.
 1. Replace south pump station.
 2. West canal sections 30&31. Repair washouts build dike.
Phase 1. South 3300 feet – Estimate \$12,000 to \$15,000. (Muck pockets could effect cost)
Phase 2. North 5850 feet – Estimate ???
 3. Rip Rap north pump station. Estimate \$6000.
 4. Clean canal bank east side section 33. Estimate \$5000.00 (FPL) (IN PROGRESS)
 5. Long stick needed to finish south main canal. (Summer of 2020)
 6. Close canal section 34 SE corner. Estimate \$3500.00
 7. Clean canal bottom east side sections 30&31. Estimate \$12,000.
 8. Install 72" pipe NW corner section 30. Estimate pipe & install \$4000. (Installed 20 Ft additional 10 feet needed)
 9. Replace 60 feet of 72" pipe Carol Street & 59th. Estimate \$14,000.
 10. Replace 40 feet of 72" pipe center road section 20&21. Estimate \$2,000.
 11. Canal bank maintenance between sections 29&32. Estimate \$4000.
 12. Clean south outfall canal along 59th. Estimate \$7,500.

Future projects clean both sides of district canal banks.

- Maintaining water system at 15.0 to 18.0
- Corbett canal bank possible maintenance required. (WEST CANAL SECTION 30&31&19)
- Costa Farms upcoming meeting. (Canal easements potential water connection sites)
- Horse Waste.
- Rip rap north pump station.
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- Tru-Flo has agreed to split the cost of the gooseneck adapters for the new pump. (\$1132.50 our cost)
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