



**For everyone's safety, in-person public access to this Regular Toho Water Authority Board Meeting will be limited. This meeting will also be available virtually.**

**The Toho Water Authority (TohoWater) Board of Supervisors will hold a regular Board meeting at 5 p.m. on Wednesday, October 12th, 2022.**

**Due to social distancing practices in response to the COVID-19 pandemic, limited seating will be available for the public. Social distancing and safety measures will be enforced. Board Room audience seating will be limited to approximately twenty socially distanced seats. Public seating in the Board Room will be subject to reservations made at least 24-hours in advance of the meeting, with additional seating available in the lobby on a first-come, first-serve basis. Those wishing to request a reservation for in-person attendance at the Board meeting, please email a request to [tohoattend@tohowater.com](mailto:tohoattend@tohowater.com) with your name and phone number or contact and leave a message with the Executive office at (407-944-5130).**

**Additional seating shall be subject to approved capacity. In addition to in-person attendance, members of the public may also attend this meeting by telephone or virtually through the Internet. Those attending in-person who wish to address the Board must submit a completed Hear the Audience Form. For members of the public participating by phone or Internet, an opportunity to be heard will be provided during the Hear the Audience comment portion of the meeting.**

**Those interested in attending by phone can do so by dialing 1-650-429-3300 then entering the access code: 2630 554 2926.**

**Instructions to attend via the Internet shall be as set forth below.**

**Join from the meeting link**

<https://tohowater.webex.com/tohowater/j.php?MTID=m035a9b6e30c3c3ab6d5e2221ffb53244>

**Join by meeting number**

**Meeting number (access code): 2630 554 2926**

**Meeting password: October2022**

**Tap to join from a mobile device (attendees only)**

[+1-650-429-3300](tel:+1-650-429-3300), [26305542926##](tel:+1-650-429-3300) Call-in toll number (US/Canada)

**Join by phone**

**+1-650-429-3300 Call-in toll number (US/Canada)**

[Global call-in numbers](#)

**Join from a video system or application**

**Dial [26305542926@tohowater.webex.com](tel:26305542926@tohowater.webex.com)**

**You can also dial 173.243.2.68 and enter your meeting number.**

**Join using Microsoft Lync or Microsoft Skype for Business**

**Dial [26305542926.tohowater@lync.webex.com](tel:26305542926@tohowater@lync.webex.com)**



## **TohoWater Board of Supervisors' Meeting**

**Date and Time: October 12, 2022 5:00PM**

### **Board Members and Executive Staff:**

Hector Lizasuain - Chair  
Domingo Sanchez - Vice Chair  
William "Bill" Land - Secretary  
Henry Thacker - Supervisor  
John McAleenan - Supervisor  
Rayelynn Ketchum - Supervisor  
Vacant (pending appointment) – Ex-Officio Board Member – City of Kissimmee  
Cheryl Grieb - Ex-Officio Board Member - Osceola County  
Kolby Urban - Ex-Officio Board Member - City of St. Cloud  
Rick Wilson - Ex-Officio Board Member - Polk County  
Todd Swingle - Executive Director  
Anthony Cotter - General Counsel

In accordance with Section 286.0105, Florida Statutes: Any person wishing to appeal any decision made by the Board of Supervisors with respect to any matter considered at such meeting or hearing will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made.

In accordance with Section 286.26, Florida Statutes: Any person needing assistance to participate in any of these proceedings should contact the office of the Executive Director at 407-944-5130 or via email at [tohoattend@tohowater.com](mailto:tohoattend@tohowater.com) prior to the meeting.

## **Swearing in of New Toho Board Member (Cundiff)**

- 1. Meeting called to order**
- 2. Moment of Silent Reflection and Pledge of Allegiance**
- 3. Approval of the Agenda**
  - 3A. Election of Officers
- 4. Awards and Presentations:**
  - 4A. Proclamation Recognizing October 18<sup>th</sup> as the 50<sup>th</sup> Anniversary of the Clean Water Act (Cost: None) (Floer).
- 5. Public Hearing:**
  - 5A. Approval of the Notice of Intent Resolution 2022-011 electing and preserving the ability to use the Uniform (tax bill) Method of Collecting Non-ad Valorem Assessments. Further, staff request the Board's authorization for the Office of General Counsel to affix the proof of publication to the Resolution upon receipt (Cost: None) (Cotter).
  - 5B. Ratification, confirmation, and approval of the October 4, 2022, Water and Sewer Development Charges Study prepared by Stantec, and approval of Resolution No. 2022-012, Restatement of Procedures for Imposition and Collection of Water and Wastewater System Development Charges. (Cost: None) (Cotter)
- 6. Hear the Audience**
- 7. Consent Agenda:**

The Consent Agenda is a technique designed to expedite handling of routine and miscellaneous business of the Board of Supervisors. The Board of Supervisors in one motion may adopt the entire Agenda. The motion for adoption is non-debatable and must receive unanimous approval. By request of any individual member, any item may be removed from the Consent Agenda and placed upon the Regular Agenda for debate.

- 7A. Approval of Toho Water Authority Board of Supervisors' Regular Meeting Minutes from September 14, 2022 and the SDC & Special Meeting Minutes from September 7, 2022 (Cost: None) (Smith).

- 7B. Approval of the First Amendment to the Water and Wastewater Service and Meter Agreement with The Hamlets Owners' Association, Inc. (Cost: None) (Cotter).
- 7C. Item Removed
- 7D. Approval of the interlocal agreement between Osceola County and Toho for the Partin Settlement Road Improvements Project from Neptune Road to East Lakeshore Blvd (Cost: No cost associated with the agreement. Construction, CEI, and 10% contingency costs estimated for the utility relocation work is \$5,470,736.89) (Edwards).
- 7E. Approval of the interlocal agreement between Osceola County and Toho for the Neptune Road Improvements Project (Cost: No cost associated with the agreement. Construction, CEI, and 10% contingency costs estimated for the utility relocation work is \$1,223,797.53 for Phase A and \$3,659,861.51 for Phase B) (Edwards).
- 7F. Approval of the interlocal agreement between Osceola County and Toho for the Poinciana Boulevard Improvements Project with delegation of authority to Executive Director to negotiate and execute the Agreement with the County. (Cost: to be determined based upon revised estimates to be provided) (Edwards).
- 7G. Approval of the interlocal agreement between Osceola County and Toho for the Simpson Road Improvements Project – Phases 2, 3 and 4 – North Segment (Cost: No cost associated with the agreement. Construction, CEI, and 10% contingency costs estimated for the utility relocation work is \$22,628,366.12) (Edwards).
- 7H. Approval of the consulting services agreement and the scope of services proposal for St Cloud WTP #4 Improvements, with Hazen and Sawyer in the amount of \$616,944 and delegation to the Senior Director to execute the addendum. Staff also requests the Board to approve a not-to-exceed contingency in the amount of \$100,000 and authorize the Executive Director to expend such contingency up to the not-to-exceed limit (Cost: Scope: \$616,944 and a not to exceed contingency of \$100,000. Note: Additional scopes will be submitted in the future for pilot testing and design of permanent improvements) (Pelham)
- 7I. Approval of an addendum with Vogel Bros for the Sunbridge WTP Well #3 Pump and Discharge Piping project. Staff also request the Board approve a not-to-exceed contingency in the amount of

\$75,000 and authorize the Executive Director to expend such contingency up to the not-to-exceed limit (Cost: Bid Amount - \$691,059 with a requested contingency of \$75,000 and a not-to-exceed total of \$766,059) (Ratliff)

- 7J. Approval of the consulting services agreement and the scope of services proposal with Hazen and Sawyer in the amount of \$2,088,178 for the South Bermuda WRF rerating to 16 MGD. Staff also requests the Board to approve a not-to-exceed contingency in the amount of \$100,000 and authorize the Executive Director to expend such contingency up to the not-to-exceed limit (Cost: \$223,607- Initial scope of services including field testing for 16 MGD rerating feasibility evaluation, \$2,088,178- This scope and a requested contingency of \$100,000 for a not-to-exceed total of \$2,411,785) (Zhou).
- 7K. Approval of Change Order 6 for the 160-Acre Site Alternative Water Production Wells #1 and #3 Project, due to additional larger and deeper casings required to address sand layers as deep as 510 feet below the land surface and a larger drilling rig (Cost: The additional \$941,832.25 for Change Order 6 making a not-to-exceed total budget of \$2,225,472.25 which includes an additional contingency of \$200,000) (Zhou).
- 7L. Approval of Addendum 2 with Tetra Tech for LS18 (Scott Blvd) Gravity Sewer Rehabilitation Project Design, Permitting and Construction Administration (Cost: \$53,404 and a contingency of \$5,346, combined with Addendum 1 (approved 6/9/21) to a not-to-exceed total of \$386,610) (Noyes).
- 7M. Approval of the prequalification of Arnco Construction, Charles Perry Partners, D & A Construction Group, Oelrich Construction, T & G Constructors, Votum Construction and Wharton-Smith, to bid CMAR services for the Toho Admin Building Improvements and other facilities improvement projects (Cost: None) (Ravichandran)
- 7N. Approval to dispose of the listed inventory items through donation, auction, disposal, or recycling. (Cost: None) (Sledge).
- 7O. Approval and execution of the Third Amendment to the Agreement with CJ's Sales and Service of Ocala, Inc. for generator maintenance and repair services (Cost: An additional \$375,966 for a total not to exceed amount of \$1,842,000.00 for the term of the Agreement) (Nunez)

- 7P. Approval of the First Amendment to the Agreement with Odyssey Manufacturing Co. for the supply and delivery of liquid sodium hypochlorite for the large plants (Cost: An additional \$682,000 for a total not-to-exceed amount of \$3,700,000 for the term of the Agreement) (Nunez)
- 7Q. Approval to revise the Special Conditions of the Developer's Service Agreement to include, as standard special conditions, special conditions relating to (1) Compliance with Conditions Precedent to providing utility services within the City of St. Cloud Service Area and (2) Encumbrance Certificate or Agreement relating to annexation of the Property into the City of St. Cloud. Staff further recommends Board approval to authorize the Executive Director to execute Developer's Service Agreements with the additional standard Special Conditions. (Cost: None) (Cotter).
- 7R. Approval of the Purchase Agreement with the Bronson Family for the acquisition of the necessary property for Phase I of the Cypress Lake Alternative Water Supply Project, and approval of a not to exceed contingency to cover closing costs. Staff also requests authorization for the Executive Director or his assign to expend the contingency up to the not-to exceed total (Cost: \$3,600,000 purchase price and \$90,000 for all seller's legal and experts' fees for a total Purchase Agreement amount of \$3,690,000; plus, a not-to-exceed contingency of \$25,000 for closing costs) (Beaty).
- 7S. Approval of the Termination Agreement for the wastewater capacity requirements under the 2015 and 2021 Toho Water Authority, Water Wastewater and Reclaimed Developer's Service Agreement for Southern Oaks and the agreement regarding the allocation and shifting of water, wastewater and reclaimed capacity and service for Southern Oaks, with final non-material changes to be made at staff level and delegation to the Executive Director to execute the agreement. Additionally, staff requests that the Board delegate to the Executive Director the authority to terminate the 2014 Letter Agreement referenced above (Cost: None) (Cotter).

**8. Informational presentations:**

8A. Updating Toho's Strategic Plan (Cost: None) (Sweeney).

8B. Actions to Improve St Cloud Water Treatment Plant (WTP) #4 water quality (Cost: None) (Pelham).

**9. Unfinished business: None.**

**10. New business:**

10A. Approval of changes presented in the 2022 Toho Standards & Specifications Update, to include the St. Cloud service area, and delegation of final and future Standard & Specification updates to the Executive Director (Cost: None) (Biron).

**11. Staff reports:**

11A. Toho Assistance Program – Quarterly Update for July-September 2022. (Cost: Current budgeted funding for FY22 is \$150,000 including Toho's portion of matching funds for customer donations) (Sweeney).

11B. Executed and recorded Developer's Service Agreements from March 2022 through September 2022 (Cost: None) (Biron).

11C. Monthly Financial & Statistical Summary – YTD Thru 08.31.22 (Cost: None) (Villarosa).

11D. Gravity Sewer, Force Main and Water Main Emergency Repair Status (Cost: None) (Pelham).

11E. Communications Quarterly Report: July-Sept 2022 (Cost: None) (Floer).

**12. Comments:**

Board Officials  
Executive Director  
General Counsel



**13. Upcoming events:**

**October**

- 10/15/22: 2021 Dive into the Green Golf Tournament, SFPA Lifeguardsians
- 10/15/22: Pinktoberfest, City of St. Cloud
- 10/18/22: 50<sup>th</sup> Anniversary of the Clean Water Act
- 10/20/22: Imagine a Day Without Water
- 10/24/22: Diwali
- 10/28/22: BOO! on Broadway, Kissimmee Mainstreet
- 10/29/22: Toho Turns 19!
- 10/29/22: 1<sup>st</sup> Hope Gala, Hope Partnership
- 10/29/22: 12th Annual Links for Health Golf Tournament,  
St. Thomas Aquinas Medical Clinic

**November**

- 11/5/22: Great Outdoors Day, City of St. Cloud
- 11/5/22: Annual Community Appreciation Day,  
Osceola County Animal Services
- 11/8/22: General Election
- 11/10/22: Mindfulness Night, St. Cloud Elementary
- 11/12/22: Pioneer Day, Osceola County Historical Society
- 11/12/22: 9th Annual Fund for Hope Fundraiser,  
Claritas House Outreach Ministry Inc.
- 11/17/22: 2022 CHOICE Fair, The School District of Osceola County,  
Educational Choices and Innovation