



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, January 18, 2023.

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 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. Those attending remotely will not be able to participate in any public hearings, or make public comment. To make public comment or to participate in a public hearing, if any, requires attending the meeting in-person.

Those interested in attending by phone can do so by dialing 1-650-429-3300 then entering the access code: 2633 220 7189.

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

When it's time, join your Webex meeting here.

[Join meeting](#)

More ways to join:

Join from the meeting link

<https://tohowater.webex.com/tohowater/j.php?MTID=ma3d05789307fe26792530c04cc155138>

Join by meeting number

Meeting number (access code): 2633 220 7189

Meeting password: 9qAJuT2M7pm

Tap to join from a mobile device (attendees only)

[+1-650-429-3300,26332207189##](tel:+1-650-429-3300,26332207189##) 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 [26332207189@tohowater.webex.com](tel:26332207189@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 [26332207189.tohowater@lync.webex.com](tel:26332207189.tohowater@lync.webex.com)

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TohoWater Board of Supervisors' Meeting

Date and Time: January 18, 2023 5:00PM

Board Members and Executive Staff:

Henry Thacker - Chair
Hector Lizasuain - Vice Chair
William "Bill" Land - Secretary
Tom White - Supervisor
John McAleenan – Supervisor
Rayelynn Ketchum – Supervisor
Dave Askew - Supervisor
Cheryl Grieb - Ex-Officio Board Member - Osceola County
Angela Eady - Ex-Officio Board Member - City of Kissimmee
Kolby Urban – Ex-Officio Board Member – City of St. Cloud
Rick Wilson - Ex-Officio Board Member - Polk County
Todd P. 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 prior to the meeting.

Swearing in of Tom White as Supervisor

- 1. Meeting called to order**
- 2. Moment of Silent Reflection and Pledge of Allegiance**
- 3. Approval of the Agenda**
- 4. Awards and Presentations**
- 5. Public Hearing**
- 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. TOHO WATER AUTHORITY BOARD OF SUPERVISORS' REGULAR MEETING MINUTES OF DECEMBER 14, 2022**
Request approval of Toho Water Authority Board of Supervisors' Regular Meeting Minutes from December 14, 2022. (Cost: None)
(Smith)

- 7B. APPROVAL OF CONSTRUCTION CONTRACT AWARD TO WW DANIELS COMPANY FOR TOHO BAY LAKE ESTATES WATERMAIN EXTENSION PROJECT**
Staff recommends approval to award the Bay Lake Estates Watermain Extension project to WW Daniels Company and requests the Board authorize the Executive Director to execute the contract addendum. Furthermore, staff requests a contingency of \$95,000 and authorization for the Executive Director to execute any such documents as are necessary to expend such contingency up to the total not-to-exceed amount limit approved by the Board. (Cost: \$635,000 plus a contingency of \$95,000) (Smart)

- 7C. APPROVAL OF DEVELOPERS SERVICE AGREEMENT FOR VIVO KISSIMMEE**
Staff recommends approval of the Vivo Kissimmee DSA, for a private development project of a hotel conversion to 120 low-income housing units, located at 4018 West Vine Street. The previous use

as a hotel was part of the City of Kissimmee prior to the requirement to enter into a Developer's Service Agreement (DSA) with Toho. (Cost: None) (Edwards)

7D. REQUEST APPROVAL FOR GATEWAY HIGH SCHOOL CUSTOMER ADJUSTMENT

Customer is requesting an irrigation adjustment to their account for a leak, and credits over \$10k require Board approval. Staff recommends approval of the proposed Gateway High School customer adjustment. (Cost: Adjustment in the amount of \$21,188.33) (Havey)

7E. APPROVAL OF JANUARY 2023 ASSET DISPOSAL

Staff recommends Board approval to dispose of the listed inventory items through donation, auction, disposal, or recycling. (Cost: None) (Sledge)

7F. AWARD OF CMAR CONSTRUCTION CONTRACT ADDENDUM FOR BELLA LAGO WTP HYDROGEN SULFIDE REDUCTION PROJECT

Staff recommends award to the low, responsive bidder, Vogel Bros. Building Co., in the amount of \$1,685,244. Staff requests authorization for the Executive Director to execute any such documents as are necessary to award the construction contract to Vogel Bros. Building Co. Staff requests approval of a not-to-exceed authorization of \$1,770,244 which includes a base authorization of \$1,685,244 plus \$85,000 contingency. Staff requests authorization for the Executive Director to execute any such documents as are necessary to expend such contingency up to the total not-to-exceed limit approved by the Board. (Cost: \$1,685,244 base authorization plus a \$85,000 construction contingency for a total not-to exceed amount of \$1,770,244. This project will be funded by Project #122025) (Eversole)

7G. APPROVAL OF THE FIRST AMENDMENT TO THE AGREEMENT WITH A.C. SCHULTES OF FLORIDA, INC. FOR MAINTENANCE AND REPAIR SERVICES FOR WATER SUPPLY WELLS AND WELL PUMPS (IFB-19-122)

Staff recommends approval of the First Amendment to the Agreement with A.C. Schultes of Florida, Inc. for maintenance and repair services for water supply wells and well pumps. (Cost: An additional \$400,000 for a total not-to-exceed amount of \$889,580 for the term of the Agreement) (Sledge)

- 7H. **APPROVAL OF ASSUMPTION AGREEMENT WITH CENTRAL FLORIDA CONTROLS, LLC TO UNIVERSAL CONTROLS INSTRUMENT SERVICES, INC. (IFB-22-037)**
Staff recommends approval of the Assumption Agreement of Water Meters Calibration and Maintenance Services to Universal Controls Instrument Services, Inc. (Cost: None) (Sledge)
- 7I. **APPROVAL OF THE FIRST AMENDMENT TO THE AGREEMENT WITH ACLARA TECHNOLOGIES LLC, FOR THE SUPPLY AND DELIVERY OF METER TRANSMISSION UNITS (MTUs) (SS-21-023)**
Staff recommends approval of the First Amendment to the Agreement with Aclara Technologies LLC, for the supply and delivery of meter transmittal units. (Cost: An additional \$2,000,000 for a total not-to-exceed amount of \$4,800,000 for the term of the Agreement) (Sledge)
- 7J. **APPROVAL OF THE AGREEMENT WITH FERGUSON ENTERPRISES, LLC FOR THE PROVISION OF NEPTUNE WATER METERS AND ACCESSORIES (SS-23-027) (PULLED)**
- 7K. **APPROVAL OF A CONSTRUCTION CONTRACT AWARD WITH THE LOW BIDDER, A.C. SCHULTES OF FLORIDA, FOR THE RANCH WATER SUPPLY PROJECT SUPPLEMENTAL SUPPLY WELL DRILLING (IFB-23-011)**
Staff requests approval of the award of the Ranch Water Supply Project Supplemental Supply Well Drilling construction contract in the amount of \$729,600 to A.C. Schultes of Florida. Staff also requests the Board approve a not-to-exceed contingency in the amount of \$50,000 and authorize the Executive Director to expend such contingency up to the not-to-exceed limit approved by the Board. (Cost: Bid amount \$729,600 plus contingency in the amount of \$50,000 for a total amount \$779,600) (Fogarty)
- 7L. **APPROVAL OF THE SCOPE OF SERVICES AND ADDENDUM WITH HAZEN AND SAWYER FOR THE FINAL DESIGN AND BIDDING SERVICES FOR THE BUENAVENTURA LAKE WATER TREATMENT PLANT UPGRADE PROJECT**
Staff recommends Board approval of the final design and bidding services for the BVL WTP Upgrade to Hazen and Sawyer. Staff also requests a \$100,000 contingency and authorization for the Executive Director to execute the agreement with Hazen and Sawyer and any such documents as are necessary to expend such contingency up to the total not-to-exceed amount limit approved by the Board. (Cost: The cost for the final design and bidding services is \$1,243,391 plus a contingency in the amount of \$100,000 for a not-to-exceed total of

\$1,343,391. The total cost for the design and bidding services for the BVL WTP Upgrade project is \$1,873,388 including \$629,997 previously approved by the Board for preliminary design and related tasks, plus \$100,000 for contingency for a total of \$1,973,388. Staff will request funding for construction administration services in FY2024 when the project goes into construction and the project will be funded by funding code 322002) (Pang)

7M. APPROVAL OF THE FIRST AMENDMENT TO THE AGREEMENT WITH PALMDALE OIL COMPANY, INC. FOR FUEL SERVICES (PBA-20-094)

Staff recommends approval of the First Amendment to the piggyback Agreement (PBA-20-094) with Palmdale Oil Company, Inc. for the supply of gasoline. (Cost: An additional \$211,500 for a total not-to-exceed amount of \$600,000 for the term of the Agreement, ending on 7/11/2023) (Nunez/Yepez)

8. Informational presentations:

8A. COMMUNICATIONS HIGHLIGHTS REPORT FEATURING 2022 PROJECT EXAMPLES (Cost: None) (Floer)

9. Unfinished business:

9A. APPROVAL OF POLYMER MANHOLES FOR TOHO SERVICE AREA

Staff is requesting Board approval of changes presented and delegation of final and future Standard & Specification updates to the Executive Director. (Cost: None) (Biron)

10. New business:

10A. REAPPOINTMENT OF TOHO WATER AUTHORITY BOARD REPRESENTATIVE TO THE WATER COOPERATIVE OF CENTRAL FLORIDA

Staff recommends reappointing Supervisor Hector Lizasuain to serve at Toho's representative to the Board of Supervisors for the Water Cooperative of Central Florida for an additional term extending until September 30, 2024 ,with an effective date of January 1, 2021. (Cost: None) (Cotter)

10B. APPROVAL TO NEGOTIATE AGREEMENT WITH CITY OF ST. CLOUD TO TRANSFER ALL WATER AND SEWER

OBLIGATIONS UNDER AGREEMENTS BETWEEN CITY OF ST. CLOUD AND DEVELOPERS TO TOHO WATER AUTHORITY

Staff recommends approval by the Board authorizing the Executive Director and General Counsel to negotiate an agreement with the City of St. Cloud transferring all water and sewer obligations under existing agreements between the City of St. Cloud and developers to Toho. Staff further recommends the Board authorize Toho's Executive Director to execute such agreements subject to prior consultation with the Chairman of Toho's Board of Supervisors. Staff also recommends that the Board authorize the Executive Director to negotiate and execute service agreements that modify and amend the utility provisions of the City's development-related agreements. (Cost: None) (Cotter)

10C. SUNBRIDGE WATER TREATMENT PLANT TECHNOLOGY PRESENTATION AND SELECTION

Feedback requested from the Board on treatment technology selection for the Sunbridge Water Treatment Plant Expansion project. (Cost: None) (Ratliff)

10D. FALCON TRACE II, LLC, MULTIFAMILY AFFORDABLE HOUSING SUBMETERING WAIVER

Staff requests the Board consider approval of variance request based on the finding that the variance is to promote the development of affordable housing within the Toho Utility Service Area, and on the conditions stated above in this Memorandum. If the Board recommends approval of the variance with these conditions, Staff requests delegation of negotiation, final approval, and execution of the submetering agreement to the Executive Director in consultation with Toho General Counsel. (Cost: None) (Cotter)

11. Staff reports:

11A. GRAVITY SEWER, FORCE MAIN, AND WATER MAIN EMERGENCY REPAIR STATUS

Staff report - Board action is not required. (Cost: Report only, costs exceeding the Executive Director's authorization are submitted to the Board for information if the Executive Director approves repairs as an emergency) (Pelham)

11B. MONTHLY FINANCIAL REPORT ENDING NOVEMBER 30, 2022

Staff report - Board action is not required. (Cost: None) (Villarosa)

11C. TOHO ASSISTANCE PROGRAM (TAP) UPDATE

Continuing to update the Board regarding TAP Program funding levels and administration. (Cost: Current budgeted funding for FY22)

is \$150,000 including Toho's portion of matching funds for customer donations) (Sweeney)

11D. **COMMUNICATIONS 2023 Q1 REPORT - FOR OCTOBER-DECEMBER 2022**

Staff report - Board action is not required. (Cost: None) (Floer)

12. Comments:

Board Officials
Executive Director
General Counsel

13. Upcoming events:

Treasures of St. Cloud	1/21-23/23
Lunar New Year	1/22/2023
Holocaust Remembrance Day	1/27/2023
Black History Month	2/1-28/2023
Groundhog Day	2/2/2023
Osceola Council on Aging 50 th Anniversary Gala	2/4/2023
The Osceola Chamber Annual Meeting	2/4/2023