



Toho Water Board of Supervisors' Meeting

Date and Time: February 8, 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.

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. **APPROVAL OF TOHO WATER AUTHORITY BOARD OF SUPERVISORS' REGULAR MEETING MINUTES OF JANUARY 18, 2023.**

Staff recommends the approval of the Board Meeting minutes from January 18, 2023. (Cost: None) (Smith)

7B. **APPROVAL OF A CONTRACT AGREEMENT IN THE AMOUNT OF \$8,250,150 WITH THE RESPONSIVE BIDDER, A. C. SCHULTES, FOR THE CONSTRUCTION OF FOUR BRACKISH WATER PRODUCTION WELLS FOR THE CYPRESS LAKE ALTERNATIVE WATER SUPPLY PROJECT IFB-23-023.**

Staff recommends approval of the contract agreement with A.C. Schultes. for the construction of four production wells for the Cypress Lake Alternative Water Supply Project. Staff requests an \$825,000 contingency 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: Total project cost is the \$8,250,150 (bid price for which Toho PO will be issued) with reimbursement of 40% of the funds by project participants; plus \$825,000 (as-needed contingency, not-to-exceed without further authorization from the Board) for a total of \$9,075,150, less \$3,000,000 in grant funding, for a total final project amount of \$6,075,150 (reimbursement by the SFWMD occurs upon completion of the project). Total Toho Cost: Toho's 60% proportional share of

the bid price: \$4,950,090 Less Toho's 60% SFWMD grant credit : \$1,800,000. Toho's 60% proportional share of contingency: \$495,000 (if needed, not-to-exceed) Toho's total funding obligation: \$3,645,090. The project will be funded by budgeted funds for the Cypress Lake Alternative Water Supply Project, project # 113031). (Beatty)

7C. **APPROVAL OF A CONTRACT ADDENDUM IN THE AMOUNT OF \$883,456.48 WITH TETRA TECH FOR PROJECT MANAGEMENT, CONSTRUCTION ADMINISTRATION, AND CONSTRUCTION OBSERVATION SERVICES FOR THE CONSTRUCTION OF FOUR BRACKISH WATER PRODUCTION WELLS FOR THE CYPRESS LAKE WATER ALTERNATIVE WATER SUPPLY PROJECT**

Staff recommends approval of the Addendum with Tetra Tech on behalf of the WCCF for the Cypress Lake Alternative Water Supply Project for Consulting Project Management, Construction Administration, and Construction Observation Services. Staff requests a \$90,000 contingency 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: \$883,456.48, plus \$90,000 (as-needed contingency, not-to-exceed without further authorization from the Board) for a total of \$973,456.48. (WCCF project participants will fund 40% of the total). Total Toho Cost: Toho's 60% proportional share proposal: \$530,073.89. Toho's 60% proportional share contingency: \$54,000.00 (if needed, not-to-exceed) Toho's total funding obligation: \$584,073.89. The project will be funded by budgeted funds for the Cypress Lake Alternative Water Supply Project, project # 113031). (Beatty)

7D. **APPROVAL OF THE DEVELOPERS SERVICE AGREEMENT FOR ACADEMIR CHARTER SCHOOL AT CHAMPIONSGATE**

Staff recommends approval of the Academir Charter School Developer's Service Agreement. Staff further requests delegation of authority to the Executive Director to approve a construction cost bid up to \$450,000. Staff also requests approval of a \$45,000 contingency and authorization for the Executive Director to execute any such documents as necessary to expend such contingency up to the total not-to-exceed amount limit approved by the Board. (Cost: Construction cost share up to \$495,000, which shall include a \$45,000 contingency) (Vargas)

7E. **PULLED**

7F. **PULLED**

- 7G. **APPROVAL OF PINE GLEN UPSIZING REIMBURSEMENT REQUEST**
Staff recommends approval of the Pine Glen upsizing reimbursement cost. (Cost: Total cost for this project reimbursement will be \$228,308.34) (Anthony)
- 7H. **APPROVAL OF INTERLOCAL AGREEMENT WITH OSCEOLA COUNTY REGARDING PAYMENT, PERFORMANCE, AND MAINTENANCE BOND REQUIREMENTS**
Staff recommends the Board approve and execute the Interlocal Agreement with Osceola County pertaining to Payment, Performance, and Maintenance Bond Requirements. (Cost: None) (Cotter)
- 7I. **APPROVAL OF THE AGREEMENT FOR PARKWAY WATER RECLAMATION FACILITY ANTENNA REPLACEMENT AND UPGRADES WITH EXPERT CONSTRUCTION MANAGERS, INC. (IFB-23-003)**
Staff recommends approval of the Agreement with Expert Construction Managers, Inc. (IFB-23-003) for Parkway Water Reclamation Facility Antenna Replacement and Upgrades. (Cost: \$277,000 for the term of the Agreement) (Mann)
- 7J. **APPROVAL OF INWOOD CONSULTING ENGINEERS, INC. TO PROVIDE DESIGN, PERMITTING, AND CONSTRUCTION ADMINISTRATIVE UTILITY RELOCATE SERVICES REQUIRED FOR POLK COUNTY'S MARIGOLD AVENUE: PALMETTO STREET TO CYPRESS PARKWAY ROAD IMPROVEMENT PROJECT.**
Staff recommends approval of the Selection Committee's top ranked firm, Inwood Consulting Engineers, Inc., to provide design and construction administrative services for Marigold Avenue Utility Improvements. A final scope and agreement will be submitted to the Board at a future meeting for consideration. (Cost: None) (Pelham)
- 7K. **REQUEST APPROVAL FOR CONTRACT CLAUSE EXCEPTION FOR RIGHT OF WAY (ROW) ACQUISITION SERVICES FOR REAL ESTATE NEEDS BASED ON INDIVIDUAL SCOPE OF SERVICES PER PROJECT (RFQu-22-081)**
Staff recommends the Board approve the exception for the specific clause for Atwell in the capacity of Right-of-Way Acquisition Service agent. Staff further recommends the Board authorize the Executive Director to execute an agreement with Atwell to provide right-of-way acquisition services, each of which shall be subject to approval by General Counsel, for amounts not to exceed the overall award

amount previously approved by the Board on September 14, 2022.
(Cost: None) (Hewitt)

7M. APPROVAL OF TERMINATION OF DEVELOPER'S SERVICE AGREEMENT BETWEEN TOHO WATER AUTHORITY AND THE CITY OF KISSIMMEE CRA

Board is asked to approve and execute the attached Termination of Service Agreement.
(Costs: None) (Cotter)

7N. APPROVAL OF THE WATER SUPPLY WELL EASEMENT AGREEMENT BETWEEN TOHO WATER AUTHORITY AND THE CITY OF ST CLOUD

Board is asked to approve and execute the attached Water Supply Well Easement Agreement.
(Cost: None) (Cotter)

8. Informational presentations:

8A. ST. CLOUD WATER QUALITY MANAGEMENT ACTIONS
(Cost: None) (Pelham)

8B. QUARTERLY FINANCIAL SUMMARY
(Cost: None) (Villarosa)

8C. SERVICE AREA DEVELOPMENT ACTIVITY PRESENTATION
(Cost: None) (Biron)

8D. ORGANIZATIONAL OVERVIEW – TITLES & RECRUITING
Board input is requested. (Cost: No direct costs associated with this item) (Swingle)

9. Unfinished business: None

10. New business: None

11. Staff reports:

11A. QUARTERLY AGREEMENTS & SURCHARGE REPORT THRU DECEMBER 31, 2022
(Cost: none) (Villarosa)

11B. 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)

11C. **CONSTRUCTION CONTINGENCY STATUS REPORT**

Board action is not required. (Cost: None) (Pelham)

11D. **WATER CONSERVATION PROGRAM 1ST QUARTER UPDATE**

Informational purposes only. (Cost: None) (Tilley)

12. Comments:

Board Officials
Executive Director
General Counsel

13. Upcoming events:

February

Black History Month	2/1-28/2023
Osceola County Fair	2/10-19/23
The Silver Spurs Riding Club Parade	2/11/2023
International Day Women/Girls in Science	2/11/2023
Kissimmee 5K	2/11/2023
Valentine's Day	2/14/2023
Intro a Girl to Engineering Day	2/16/2023
Rodeo Day	2/17/2023
Silver Spurs Rodeo	2/18-20/23
Science Olympiad Regionals	2/18/2023
Engineers Week	2/19/2023
Presidents Day	2/20/2023
Mardi Gras	2/21/2023
Ash Wednesday	2/22/2023