



## **Toho Water Board of Supervisors' Meeting**

**Date and Time: April 12, 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](mailto: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:**
  - 4A. **PROCLAMATION – RECOGNITION OF MAY 7-13, 2023, AS NATIONAL DRINKING WATER WEEK (Cox)**
  - 4B. **AWARD - RECOGNITION OF 2023 DROP SAVERS WATER CONSERVATION POSTER AND RAIN BARREL CONTEST WINNERS (Cox)**
5. **Public Hearing: None**
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 MARCH 8, 2023**  
Staff recommends the approval of the Board Meeting minutes from March 8, 2023. (Cost: None) (Smith)
- 7B. **Pulled**
- 7C. **APPROVAL OF SANDHILL PRESERVE PHASE 1 UPSIZING REIMBURSEMENT REQUEST**  
Staff recommends approval of the Sandhill Preserve Phase 1 upsizing reimbursement cost, and the delegation to the CEO the authority to negotiate and execute a reimbursement agreement with AMH Development, LLC, consistent with this approval (Cost: Total cost for this project reimbursement will be cash payment or SDC fee credits, or a combination of both, in the amount of \$1,101,333.94.) (Clough)

7D. **REQUEST APPROVAL TO AWARD RFQu-22-121 ADVANCED METER INFRASTRUCTURE (AMI) CELLULAR SOLUTION AND MONITORING SOFTWARE CONTRACT SCOPE OF SERVICES TO TWO ADDITIONAL TECHNOLOGY VENDORS FOR AN PILOT TRIAL. EXISTING VENDOR FERGUSON WILL ALSO BE INCLUDED IN THE PILOT WITH NO CONTRACT MODIFICATION NECESSARY.**

Staff recommends the Board approve the selection of the firms Smart Earth Technologies, Inc. and Badger Meter, Inc. to serve in the capacity of Advanced Meter Infrastructure (AMI) Cellular Solution and Monitoring Software Technology vendors in addition to Ferguson as an existing vendor being considered by this pilot. Staff further recommends the Board authorize the Executive Director to negotiate and execute agreements with both Smart Earth Technologies, Inc. and Badger Meter, Inc. to provide AMI Cellular Solution and Monitoring Software services, each of which shall be subject to approval by General Counsel, for amounts not to exceed the Executive Director's purchasing authority. (Cost: A combined total overall award of \$122,000 for the term of the Pilot Agreements. Additional costs may be authorized by the Executive Director within his purchasing authority of \$250,000.) (Hewitt)

7E. **FDEP CONSENT ORDER FOR SANDHILL ROAD WRF**

Approve the FDEP Long Form Consent Order OGC File No. 22-3073, including the payment of \$10,250 to FDEP, and authorize the Executive Director to sign the Consent Order and execute payments for the civil penalties and/or the P2 projects as required by the Consent Order (Cost: \$10,250 inclusive of \$250.00 for FDEP expenses and \$10,000 in payment of a civil penalty. Note that a P2 project may be executed in lieu of the civil penalty.) (Torbert)

7F. **APPROVAL OF A SECOND AMENDMENT TO THE AGREEMENT WITH THERMETRICS CORPORATION FOR HVAC SERVICES (IFB-20-137)**

Staff recommends approval of the Second Amendment to the Agreement with Thermetric Corporation (Cost: Additional \$300,000 for a total not to exceed amount of \$584,460 for the term of the Agreement.) (Sledge)

7G. **APPROVAL OF THE PIGGYBACK AGREEMENT WITH MCGHEE AND ASSOCIATES, LLC FOR TELEPHONE ANSWERING SERVICES (PBA-23-051)**

Staff recommends approval of Agreement PBA-23-051 with McGhee and Associates, LLC for telephone answering services. (Cost: A total not to exceed \$540,000 for the term of the Agreement.) (Sledge)

- 7H. **COOPERATIVE AGREEMENT FOR CURED-IN-PLACE-PIPE SERVICES BETWEEN BUYBOARD NATIONAL PURCHASING COOPERATIVE AND INSITUFORM TECHNOLOGIES LLC (PBA-23-069)**  
Staff recommends approval of Agreement PBA-23-069 with Insituform Technologies, LLC for a total not to exceed amount of \$1,600,000 for the term of the Agreement. (Cost: Field Operations \$1,100,000, and Engineering \$500,000 with a total not-to-exceed, for the term of the Agreement, of \$1,600,000.) (Sledge)
- 7I. **APPROVAL OF TRINITY PLACE UPSIZING REIMBURSEMENT REQUEST**  
Staff recommends approval of the Trinity Place upsizing reimbursement cost. (Cost: Total cost for this project reimbursement will be \$486,983.82.) (Clough)
- 7J. **WIFIA II APPLICATION FEE AUTHORIZATION**  
Staff recommends that the Board authorize payment of the WIFIA program mandated application fee of \$100,000. (Cost: \$100,000 application fee) (Shields)
- 7K. **APPROVAL OF APRIL – 2023 ASSET DISPOSAL**  
Staff recommends Board approval to dispose of the listed inventory items through donation, auction, disposal, or recycling. (Cost: None) (Sledge)
- 7L. **APPROVAL TO PIGGYBACK INFORMATION TECHNOLOGY PROFESSIONAL SERVICES BETWEEN GENERAL SERVICES ADMINISTRATION (CONTRACT #GS-35F-0445Y) AND EPIC ENGINEERING & CONSULTING GROUP, LLC FOR CUSTOMER INFORMATION SYSTEM (CIS) CONSOLIDATION AND UPGRADE SUPPORT SERVICES (PBA-23-079)**  
Staff recommends approval to piggyback the General Services Administration Contract # GS-35F-0445Y for Information Technology Professional Services with EPIC Engineering & Consulting Group, LLC and execution of the attached Agreement. (Cost: \$462,421.24 for the term of the Agreement.) (Mann)
- 7M. **APPROVAL OF CONSTRUCTION CONTRACT AWARD TO GARNEY COMPANIES FOR THE LIFT STATION #57 FORCE MAIN REPLACEMENT – PHASE 2 PROJECT**  
Staff recommends approval to award the Lift Station #57 Force Main Replacement project to Garney Companies and requests the Board authorize the Executive Director to execute the contract in the amount of \$2,800,853.00. Staff further requests a \$280,000

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: Construction Bid Price \$2,800,853 and Requested Contingency \$280,000 with a Total Not-to-Exceed Request - \$3,080,853) (Pelham/Burgess)

7N. **Pulled.**

7O. **APPROVAL OF THE DEVELOPERS SERVICE AGREEMENT AMENDMENT FOR TITAN PROPERTIES OLD MELBOURNE HIGHWAY**

Staff recommends approval of the Titan Development Old Melbourne Highway DSA First Amendment. (Cost: None) (Vargas)

7P. **APPROVAL OF QUOTE BY INSITUFORM FOR REPAIR OF 10” GRAVITY SEWER MAIN**

Staff recommends approval for Insituform, LLC to perform gravity sewer main repair in accordance with quote of \$273,160.00. Staff further request approval of \$27,316 (10%) 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 approved by the Board. (Cost: Project cost of \$273,160, with a 10% contingency of \$27,316, for a total not-to-exceed amount of \$300,476)

7Q. **AMENDMENT #1 OF INTERLOCAL AGREEMENT WITH OSCEOLA COUNTY FOR THE SIMPSON ROAD PHASES 2, 3, AND 4 (SOUTH SEGMENT) IMPROVEMENTS PROJECT**

Staff recommends approval of the First Amendment to the Interlocal Agreement with Osceola County for the Simpson Road Phases 2, 3, and 4 South Segment Improvements project. Staff further requests a 10% 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: The estimate after bid is approximately \$11,943,678.90 plus a 10% contingency for the total not-to-exceed amount of \$13,138,046.79.) (Pelham/Lambo)

7R. **APPROVAL OF A \$5,451,714 SCOPE OF SERVICES WITH CPH TO SUPPORT DELIVERY OF PROJECTS IN TOHO’S FIVE-YEAR CAPITAL PLAN**

Staff recommends approval of the second year PMO funding and three years of embedded consultant service in the amount of \$5,451,714. (Cost: An additional renewal amount of \$5,451,714.00 for a total not-to-exceed amount of \$7,882,326.00 for the term of the

Agreement which included one additional year of PMO service and three years of the embedded consultant. Based on the engineers estimate for construction for these projects the PMO cost represents a cost of 1.5% of total project cost.) (Pelham)

**7S. APPROVAL OF CHANGE ORDER FOR CHANGE OUT OF AN ADDITIONAL 24" GATE VALVE AT ORANGE LAKE (IFB-22-046)**

Staff recommends approval of the change order in the amount of \$152,746.92. (Cost: The Board approved project funding was \$301,730 (this included \$27,430 in contingency). The total cost of this change order is in the amount of \$152,746.92.) (Johnson)

**7T. CHIEF EXECUTIVE OFFICE (CEO's) EMERGENCY AUTHORIZATION OF THE WTP#4 LOW BID AMOUNT AND APPROVE A \$300,000 CONSTRUCTION CONTINGENCY**

Staff is requesting the Board approve a construction contingency of \$300,000. Furthermore, staff requests the Board to authorize the CEO to execute any such documents as may be necessary to expend contingency funds up to the total not-to-exceed amount limit approved by the Board. (Cost: Previously approved 2-year Pall Filter rental agreement: \$2,013,312. Previously approved for plant modifications: \$2,000,000. Additional construction cost approved by CEO: \$143,250. Additional Pall Water Insurance Requirement of 2 years (see separate agenda item) \$120,000. This request for additional contingency: \$300,000. For a total not-to-exceed Project Cost of \$4,576,562.) (Pelham)

**7U. APPROVAL OF CORRECTED TOTAL PROJECT AUTHORIZATION AMOUNT FOR THE WEST OAK STREET & JOHN YOUNG PARKWAY UTILITIES ADJUSTMENTS PROJECT**

Staff recommends approval to correct the total project authorization from \$428,000 to \$470,800. (Cost: Total project authorization of \$470,800) (Matos)

**7V. APPROVAL OF \$120,000 FUNDING FOR ADDITIONAL INSURANCE FOR THREE POTABLE WATER TREATMENT FILTERS RENTAL WITH PALL WATER FOR A TWO-YEAR PERIOD TO IMPROVE WATER QUALITY AT ST. CLOUD'S WATER TREATMENT PLANT #4**

Staff is requesting the Board delegate to the Executive Director the authority to negotiate and execute an addendum to the rental agreement with Pall Water. (Cost: The additional insurance cost for two years is \$120,000. The Board is requested to approve an additional budget of \$120,000.) (Pelham)

**7W. DELEGATION TO EXECUTIVE DIRECTOR TO APPROVE FUTURE CONSTRUCTION EXPENDITURES FOR SAINT CLOUD INTER-CONNECTIONS – PHASE 1**

Staff requests approval of delegation to the Executive Director to approve construction cost up to \$330,000, and grant the Executive Director authority to execute a contract addendum with one of Toho's continuing contractors requested to perform the work for Phase 1. Furthermore, staff requests a contingency of \$33,000 and authorization for the Executive Director to execute any contract amendments necessary to expend the contingency up to the total not-to-exceed amount limit approved by the Board. (Cost: Pre-design construction cost estimate for the utility work for Phase 1 is \$330,000 with a \$33,000 contingency totaling \$363,000.) (Smart)

**8. Informational presentations:**

8A. **LEGISLATIVE UPDATE** (Swingle)

**9. Unfinished business: None**

**10. New business:**

**10A. APPROVAL OF RESOLUTION 2023-003 INCORPORATING FEDERAL / STATE GRANT AND LOAN FUNDED PROCUREMENT STANDARDS AS PART OF TOHO'S PROCUREMENT MANUAL; DELEGATING AUTHORITY TO THE CEO TO NEGOTIATE AND ENTER INTO A COST-SHARE AGREEMENT WITH CITY OF ST. CLOUD FOR GRANT CONSULTANT REGARDING THE COMPLIANCE RELATED SERVICES AND APPROVAL OF NEW GRANT ADMINISTRATION POSITION**

Staff recommends Board approval of Resolution 2023-003 adopting the Federal / State Grant and Loan Funded Procurement Standards. Additionally, staff recommends the Board authorize the CEO to negotiate a cost-share agreement with the City of St. Cloud relating to retaining a consultant to provide grant administration and compliance related services and to execute such agreement within the Board authorized funding amount. Lastly, staff recommends the Board approve a new position focused on grant administration and compliance activities. (Cost: Costs estimated at this time are \$515,000 to include the Grant Administrator and external consulting services associated with the St. Cloud related grants that are in process that (River Road Septic to Sewer and Reclaim Storage Pond expansion.) (Cotter)

10B. **APPROVAL OF STAFF'S RECOMMENDATION OF 12 CONTINUING ENGINEERING CONSULTANTS TO PROVIDE ENGINEERING RELATED SERVICES TO TOHO**

Staff recommends the Board approve the selection of Hazen Sawyer, AECOM Technical Services, TetraTech, Plummer Associates, Inc., Jones Edmonds, CPH, Inc., Barnes Ferland and Associates, Black and Veatch, Wright-Pierce, Arcadis, CHA, and Dewberry to provide continuing consultation services to Toho subject to negotiation of acceptable contract terms and conditions (Cost: None) (Pelham).

**11. Staff reports:**

11A. **MONTHLY FINANCIAL REPORT ENDING FEBRUARY 28, 2023**

Staff report – Informational only. Board action is not required. (Cost: None) (Villarosa)

11B. **TOHO ASSISTANCE PROGRAM (TAP) FY23 2<sup>nd</sup> QUARTER UPDATE**

Continue to update the Board regarding TAP Program funding levels and administration. (Cost: Current budgeted assistance funding for FY23 is \$150,000 including Toho's portion of matching funds for customer donations.) (Sweeney)

11C. **CYPRESS PARKWAY & MARIGOLD AVE EMERGENCY SEWER FORCE MAIN REPAIR**

This item requires no further action at this time (Cost: Total amount not to exceed \$438,480.) (Cairns)

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

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. (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)

11E. **COMMUNICATIONS QUARTERLY REPORT FOR JANUARY-MARCH 2023**

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

**12. Comments:**

Board Officials



Executive Director  
General Counsel

**13. Upcoming events:**

**April**

Autism Awareness Month	4/1/2023
Water Conservation Month	4/1/2023
Tax Day	4/17/2023
Tapas with a Purpose	4/21/2023
Earth Day	4/22/2023
Caribbean Fusion Festival	4/23/2023
Golden Eagle - Boy Scouts	4/25/2023
Admin. Professionals Day	4/26/2023
Denim Day - Sexual Assault Awareness	4/26/2023
Take Your Child to Work Day	4/27/2023
Swing for All Generations Golf Tourney OCOA	4/28/2023
Arbor Day	4/28/2023

**May**

AAPI Heritage Month	05/01/23
Mental Health Awareness Month	05/01/23
Better Hearing and Speech Month	05/01/23
Jewish American Heritage Month	05/01/23
Older Americans Month	05/01/23
May Day	05/01/23
Drinking Water Week	05/07/23
Star Wars Day	05/04/23
Cinco De Mayo	05/05/23
Cinco De Mayo Golf Tournament	05/05/23