



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

**Date and Time: March 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](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 – WATER CONSERVATION MONTH- APRIL**  
(Floer)
  - 4B. **PROCLAMATION – FIX-A-LEAK** (Floer)
5. **Public Hearing:**
  - 5A. **APPROVAL FOR SELF-PERFORMANCE BY TOHO WATER AUTHORITY OF CONTRACTION FOR LIST STATION 84S ODOR CONTROL SYSTEM AND BYPASS PUMP INSTALLATION.**  
Staff recommends that, upon consideration of the total estimated cost of the LS-84S Project and other relevant factors consistent with Section 255.20(9), Florida Statutes, the Board of Supervisors determine that it is in the public's best interest for Toho to perform the LS-84S Project using its own services, employees, and equipment. (Cost: a projected total cost of \$1,028,834) (Eversole)
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 FEBRUARY 8, 2023.**  
Staff recommends the approval of the Board Meeting minutes from February 8, 2023. (Cost: None) (Smith)
- 7B. **APPROVAL OF WIFIA 1 LIFT STATION 35 PHASE 2 – CHANGE ORDER FOR SANPIK**

Staff recommends approval of the LS35 Ph. 2 Amendment #1 in the amount of \$304,804.00. Staff further requests a \$14,840.00 contingency (Alternates) and authorization for the Executive Director to execute any such documents necessary to expend such contingency up to the total not-to exceed amount limit approved by the Board. (Cost: An additional base of \$304,804.00/ with contingency (Alternates) \$14,840.00 for a total of \$319,644.00 and overall total not to exceed amount of \$6,530,724.00) (Shields)

**7C. APPROVAL OF AWARD TO (INSERT) FOR WIFIA 1 LIFT STATION 19 PICKERING PRIORITY GRAVITY SEWER REHABILITATION**

Staff recommends approval to award the LS 19 Pickering Priority Gravity Sewer Rehabilitation construction project contract to SanPik, Inc. in the amount of \$1,089,024. Staff further requests a \$108,902 in contingency and authorization for the Executive Director to execute any such documents necessary to expend such contingency up to the total not-to-exceed amount limit approved by the Board. (Cost: \$1,089,024 plus a contingency in the amount of \$108,902 for a total not-to-exceed amount of \$1,197,926) (Shields)

**7D. APPROVAL OF ADDENDUM WITH ENGINEERED SPRAY SOLUTIONS, LLC FOR WIFIA 1 MANHOLE SEAL & COAT BATCH #6**

Staff recommends approval of Addendum #8 to the Agreement with Engineering Spray Solutions, LLC for manhole sealing, coating and lining services. (Cost: an additional \$650,225.60, for a total not to exceed contract amount of \$2,647,425.63) (Shields)

**7E. PULLED.**

**7F. APPROVAL FOR PURCHASE OF A BUCKET TRUCK FOR SCADA**

Staff requests approval of purchase of 2023 Altech A77T-E93 bucket truck for critical routine daily SCADA operations. (Cost: AN67-E100 6x6, 2022 - \$371,646, Chassis 2023 Model - \$6,921, Delivery - \$2,550, Total Not to Exceed Amt \$381,117) (Sledge)

**7G. PULLED**

**7H. APPROVAL OF AGREEMENT WITH FERGUSON WATERWORKS FOR PROVISION OF NEPTUNE WATER METERS (SS-23-027)**

Staff recommends approval of award and execution of the Agreement to Ferguson Enterprises, LLC, for Supply and Delivery of

Neptune Water Meters and Accessories. Staff further recommends the Board delegate authority to the Executive Director to execute amendments extending the Agreement term for up to four additional one-year renewal periods using a 10% escalation each year provided there are no significant changes to the terms and conditions set forth in the Board approved Agreement. (Cost: A total not-to-exceed \$4,400,000 for the initial term of the Agreement and \$26,862,440 over a five-year period, if the annual renewals are exercised.) (Sledge)

7I. **PULLED**

7J. **PULLED**

7K. **APPROVAL OF ADDITIONAL DESIGN CONTINGENCY FOR HARMONY WTP UPGRADE AND EXPANSION PROJECT**

Staff recommends Board approval of the additional funding of \$100,000 and delegation of authority to the Executive Director to execute Addendum #2. Staff further requests the Board delegate authority to the Executive Director to execute any such documents as are necessary to expend contingency amounts up to the total not-to-exceed amount limit approved by the Board. (Cost: In October 13, 2021, the Board approved the Engineering Services with Hazen and Sawyer in an amount of \$2,565,128 with a not-to-exceed contingency of \$150,000 and a testing service allowance of \$50,000 for a total of \$2,765,128. The total contract amount with Hazen and Sawyer is \$ 2,763,436 (\$2,565,128 + \$198,308). With the additional funding of \$100,000, the total cost is \$2,865,128, which provides a remaining authorization of \$101,692 for contingency and testing allowance. The funding source is: 222002.) (Pang)

7L. **APPROVAL OF EDGEWATER EAST ED-4 UPSIZING REQUEST**

Staff recommends approval of the Edgewater East ED-4 upsizing reimbursement cost. (Cost: Total cost for this project reimbursement will be \$1,361,231.83.) (Pelham)

7M. **APPROVAL OF AGREEMENT WITH HAZEN SAWYER FOR WATER TREATMENT PLANT # 4 IMPROVEMENTS ADDITIONAL SERVICES**

Staff is requesting the Board approve additional funding of \$238,864 (\$188,864 for the additional HS scope and \$50,000 contingency) and delegate authority to the Executive Director to execute Addendum #2. Staff further requests a \$50,000 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: Previously approved: \$616,994; This request \$188,864 (\$288,864 - \$100,000 previously approved contingency); Additional contingency request: \$50,000; Total request: \$238,864) (Pelham)

**7N. APPROVAL OF FUNDING REQUEST FOR PALL FILTER INSTALLATION AND DELEGATION OF AUTHORITY TO EXECUTIVE DIRECTOR TO APPROVE BID OF WTP4 MODIFICATIONS TO INCORPORATE PALL FILTERS**

Staff is requesting the Board approve an additional \$900,000 construction budget for plant modifications to install the filters. The Board is requested to delegate to the Executive Director authority to execute a construction contract up to \$2,000,000 including any change orders. (Cost: Previously approved 2-year Pall Filter rental agreement: \$2,013,312; Previously approved for plant modifications: \$1,000,000; Previously approved contingency: \$100,000; This request: \$900,000; Total Project Cost: \$4,013,312) (Pelham)

**7O. APPROVAL OF ADDITIONAL ENGINEERING CONTINGENCY FOR POINCIANA BOULEVARD UTILITIES IMPROVEMENTS**

Staff recommends approval of additional Engineering funds (Contract Addendum) of \$31,624, additional contingency of \$100,000 and the Board to authorize the Executive Director to execute the Contract Addendum #4. Staff further requests the Board authorize the Executive Director to execute any such documents as are necessary to expend the contingency up to the total not-to-exceed amount limit approved by the Board. (Cost: \$826,261.17 Previously Approved by Board (Addendums 1, 2 and 3) plus \$31,624.00 Additional Engineering, plus \$100,000.00 contingency for a not-to-exceed total of \$957,885.17.) (Pelham)

**7P. APPROVAL OF ADDITIONAL ENGINEERING CONTINGENCY FOR NEPTUNE ROAD UTILITIES IMPROVEMENTS**

Staff recommends approval of Addendum #2 with BFA for the Neptune Road Utility Improvements Project, North Phase in the amount of \$62,675.83 for additional work in Surveying, Design Engineering, Bidding Assistance, Construction Administration, Permitting and the Preparation of Record Drawings pertaining to the addition of the merged St. Cloud utilities assets to the project. Staff requests a \$10,000 contingency for an overall project total not to exceed amount of \$263,108.84 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: (\$190,433.01 - Board Previously Approved

Funding), \$62,675.83 Addendum #2 Design Fees, plus a \$10,000.00 Addendum #2 Contingency Fees, Total Request for Addendum #2 of \$72,675.83.) (Pelham)

**7Q. APPROVAL TO CORRECT PREVIOUSLY APPROVED AGENDA ITEM FOR SHERWOOD FOREST WATER SERVICES ADDITIONAL CONTINGENCY**

Staff requests the Board approve the corrected not-to-exceed contract amount of \$787,431.00. (Cost: Revision to previously approved not-to-exceed amount: Original construction contract approval - \$557,431; Original contingency approval - \$30,000; Additional contingency request - \$200,000; Total not-to-exceed amount (corrected from May 2022 agenda item) \$787,431) (Pelham)

**7R. APPROVAL OF SECOND AMENDMENT TO TAP PLUS PROGRAM AGREEMENT**

Staff seeks Board action to approve the Second Amendment to the Agreement with Osceola County Council on Aging TAP Plus Program. (Cost: \$150,000 is set aside in the Toho budget to cover assistance during FY2023.) (Sweeney)

**8. Informational presentations:**

8A. **PROACTIVE ASSET MANAGEMENT** (Noyes)

**9. Unfinished business:**

9A. **Pulled.**

**10. New business:**

**10A. APPROVAL OF GOVERNANCE AGREEMENT FOR CYPRESS LAKE ALTERATIVE WATER SUPPLY PROJECT**

Staff recommends the Board of Supervisors approve and execute the Interlocal Agreement between the Water Cooperative of Central Florida, Toho Water Authority, Orange County, and Polk County relating to the Governance of the Cypress Lake Alternative Water Supply Project (Governance Agreement). (Cost: None at this time.) (Beatty)

**10B. APPROVAL OF ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022**

Staff recommends approval of the Annual Comprehensive Financial Report for the Toho for the fiscal year ended September 30, 2022. (Costs: None) (Henderson)

10C. **REQUEST AUTHORIZATION TO SEEK COURT ORDER – SAI GANESH, LLC 7475 W IRLO BRONSON MEMORIAL HIGHWAY, KISSIMMEE (002676031-000422090)**

Staff requests the Board authorize the General Counsel, or the General Counsel's designee, to seek a court order authorizing the suspension or termination of services provided by Toho to the Property, and order the account holder to timely pay all outstanding balances, and such other relief the court finds appropriate. Furthermore, staff requests the Board authorize the Executive Director, in consultation with the Board Chairman, and with the approval of the General Counsel, to enter into such settlement documents as are necessary to resolve this matter. (Costs: Attorney's fees and court costs.) (Cotter)

10D. **APPROVAL OF SUBMETERING RESOLUTION**

Staff and General Counsel recommend approval of the Resolution 2023-002 amending Section 6 of Resolution 2022-001 to allow submetering of residential buildings or mixed-use buildings three floors or less, and approving the revised form Submetering Agreement attached thereto as Appendix "A". Staff and General Counsel further recommend delegation of authority to the Executive Director to execute Submetering Agreements on behalf of the Board, allowing for such non-substantive changes only as approved by the General Counsel. (Cost: No cost associated with this item.) (Cotter)

**11. Staff reports:**

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

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 AND STATISTICAL REPORT THRU JANUARY 31, 2023**

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

**12. Comments:**

Board Officials  
Executive Director  
General Counsel

**13. Upcoming events:**

**March**

Procurement Month

Women's History Month

International Day – Women's Day 3/08/2023

2023 Educator Awards 3/09/2023

Kissimmee Remembrance Ceremony 3/10/2023

March for Meals 5K 3/11/2023

Dine with the Departed 3/11/2023

Daylight Savings Time 3/13/2023

PI Day 3/14/2023

Fix-A-Leak Week 3/14/2023

St. Patrick's Day 3/17/2023

Kowtown Kissimmee 3/18/2023

Paint the Cloud Green Parade 3/18/2023

World Down Syndrome Day 3/21/2023

Ramadan Begins 3/22/2023

World Water Day 3/22/2023

UCP Poker at the Palace 3/24/2023

Welcome Home Vietnam Vets Ceremony 3/25/2023

Arts Alive Showcase 3/31/2023





**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, March 8, 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](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. 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**

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If you are a host, [click here](#) to view host information.

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