



Toho Water Board of Supervisors' Meeting

Date and Time: Thursday, June 15, 2023 at 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 (apologies)
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 (apologies)
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:**
 - 4A. **PROCLAMATION RECOGNIZING JULY AS SMART IRRIGATION MONTH**
Approval of proclamation recognizing July as Smart Irrigation Month.
(Cost: None)(Tilley)
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. **APPROVAL OF TOHO WATER AUTHORITY BOARD OF SUPERVISORS' REGULAR MEETING MINUTES OF MAY 10, 2023**
Staff recommends the approval of the Board Meeting minutes from May 10, 2023. (Cost: None) (Smith)
- 7B. **APPROVAL OF THE AMENDMENTS TO AGREEMENTS WITH AARON'S BACKFLOW SERVICES, INC., AND FRANK GAY SERVICES, LLC FOR BACKFLOW SURVEYS, INSPECTION, MAINTENANCE, AND INSTALLATION SERVICES (IFB-22-070)**
Staff recommends approval of the First Amendment to the Agreement with Aaron's Backflow Services, Inc., and the Second Amendment to the Agreement with Frank Gay Services, LLC, for backflow surveys, inspections, maintenance, and installation services. Additionally, staff requests that the Board authorizes the Executive Director to execute any contract amendments needed to manage the program services provided under both Agreements in order to maintain a cumulative not to exceed total amount of \$6,500,000 for the term of the two agreements for IFB-22-070. (Cost:

An additional \$3,500,000 for a cumulative not to exceed total amount of \$6,500,000 for the term of both Agreements.) (Hollingsed)

7C. Pulled

7D. **APPROVAL TO PURCHASE TWO (2) VACUUM TRUCKS FROM PAT'S PUMP AND ONE VACUUM TRUCK FROM ENVIRONMENTAL PRODUCT GROUP (EPG) FOR FIELD SERVICES USING THE FLORIDA ASSOCIATION CONTRACT FSA EQU18.0: HEAVY EQUIPMENT AND SOURCEWELL COOPERATIVE CONTRACT 101221-VTR**

Staff recommends approval for the purchase of two (2) vacuum trucks from Pats Pump at \$545,862 each, for a total of \$1,091,724, and one truck from Environmental Product Group (EPG) at \$569,335. Total cost for three trucks is \$1,661,059. (Cost: Pat's Pump total cost of \$1,091,724 (\$545,862 per truck x2) and EPG total cost of \$569,335, with a total not-to-exceed \$1,661,059.) (Sledge)

7E. **APPROVAL OF MONTEREY DEVELOPMENT SERVICE AGREEMENT**

Staff recommends approval of the Monterey Developer's Service Agreement. (Cost: None) (Clough)

7F. **APPROVAL OF ADDENDUM 7 WITH WEBSTER/AECOM FOR FINAL ENGINEERING SERVICES FOR HYDROGEN SULFIDE REMOVAL IMPROVEMENTS AT THE PEABODY WATER TREATMENT PLANT**

The existing approved Board authorization for the Webster/AECOM Hydrogen Sulfide Removal System Improvements contract is \$1,766,052. Staff recommends Board approval of Addendum 7 in the amount of \$378,786 for an approved not-to-exceed contract amount of \$2,144,838. Staff also requests the Board authorize the CEO to execute future Hydrogen Sulfide Removal Improvements project engineering scope addenda within the CEO's signature authority limit of \$250,000; Addenda individually exceeding the CEO's signature authority limit will be submitted to the Board for approval. (Cost: \$1,766,052 – previously approved contract Addenda 1 through 6. \$368,786 - Addendum 7, Final engineering services for Peabody WTP, a total not-to-exceed amount of \$2,144,838. This project will be funded by account 122025.) (Eversole)

7G. Pulled.

7H. APPROVAL OF ADDENDUM #1 TO AGREEMENT WITH WW DANIELS (IFB-23-110) REGARDING PACIFIC ROAD GRAVITY SEWER REPAIR

Staff recommends Board approval of Addendum #1 to Agreement with WW Daniels (IFB-23-110) in the amount of \$555,000. Staff also requests a \$55,500 / 10% contingency and authorization for the CEO/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: \$555,000 + 10% (\$55,500) contingency for a total not to exceed amount of \$610,500.) (Raggi)

7I. APPROVAL OF FOURTH AMENDMENT TO PIGGYBACK THE AGREEMENT FOR INFORMATION TECHNOLOGY SOLUTIONS AND SERVICES WITH CDW GOVERNMENT LLC (PBA-18-091)

Staff recommends approval of the Fourth Amendment to the Agreement with CDW Government, LLC for Information Technology Solutions and Services. (Cost: An additional \$350,000 for a total amount of not-to-exceed \$1,035,000 for the term of the Agreement, which expires on August 18, 2024.) (Mann)

7J. APPROVAL OF FOURTH AMENDMENT TO AGREEMENT WITH CJ'S SALES AND SERVICE OF OCALA, INC. FOR GENERATOR MAINTENANCE AND REPAIR SERVICES (RFP-18-100)

Staff recommends approval of the Fourth Amendment to the Agreement with CJ's Sales and Service of Ocala, Inc. (Cost: No increase to the Board approved authorization of \$1,842,000.) (Nunez)

7K. APPROVAL OF SCOPE OF SERVICES WITH ARCADIS FOR AUTOMATIC METER INFRASTRUCTURE (AMI) UPGRADE AND ASSET/SYSTEM INTEGRATION SUPPORT (RFQu-20-004)

Staff requests approval of the Scope of Services with Arcadis US, Inc. in the amount of \$204,743.76 for consulting services for AMI Services. Staff also requests that the Agreement be designated as a Contract Vehicle with Task Authorizations issued for unique work/scope whereby the approvals will follow the signature authority outlined in the procurement policy approved by the Board. In addition, staff further requests a \$30,711.56 contingency and authorization for the CEO/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: An additional \$204,743.76, with a 15% (\$30,711.56) contingency for a total not-to-exceed amount of \$1,019,249.32 for the term of the Agreement.) (Mann)

7L. **APPROVAL OF \$402,936.00 DESIGN SCOPE OF SERVICES AND \$20,000 CONTINGENCY WITH TETRA TECH FOR DESIGN OF SIX GENERATORS AT MULTIPLE SITES**

Staff recommends approval of Tetra Tech's \$402,936 design scope of services. Furthermore, staff requests a design contingency of \$20,000 and the Board to authorize the CEO to execute any such documents necessary to expend such contingency up to the total not-to-exceed amount limit approved by the Board. (Cost: \$402,936 plus a \$20,000 design contingency for a not-to-exceed total of \$422,936.) (Smart)

7M. **APPROVAL OF A \$219,622 SCOPE OF SERVICES WITH HAZEN SAWYER FOR ST CLOUD WATER TREATMENT PLANT (WTP #4) PILOT TESTING OF FOUR ION EXCHANGE RESINS, FULL-SCALE HYDROGEN SULFIDE REMOVAL TESTING, AND A \$20,000 CONTINGENCY TO SUPPORT THE PERMANENT TREATMENT SYSTEM UPGRADE**

Staff is requesting the Board approve pilot testing of \$219,622 and a contingency of \$20,000 for a total of \$239,622. Furthermore, staff requests the Board to authorize the CEO to execute the pilot testing scope agreement and to execute any such documents as may be necessary to expand contingency funds up to the total not-to-exceed amount limit approved by the Board. (Cost: Pilot Testing total of \$219,622 and Pilot Testing Contingency of \$20,000 for a Total Additional Request of \$239,622.) (Pelham)

7N. **APPROVAL OF EMERGENCY PURCHASE FOR SANDHILL WRF FILTERS WITH AQUA AEROBICS SYSTEMS, INC, D/B/A AQUADISK FOR CLOTH DISK FILTER AND SERVICES (EM-23-123)**

Staff requests approval of the Emergency Purchase with AquaDisk and for delegation authority to the Executive Director or his designee to execute final purchase order. (Cost: \$1,115,000 for AquaDisk filter system.) (Nunez)

7O. **APPROVAL OF JUNE 2023 ASSET DISPOSAL**

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

7P. **APPROVAL OF TETRATECH SCOPE FOR DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE DOVERPLUM AVENUE WATER MAIN PROJECT.**

Staff recommends approval of Tetrattech's \$244,905.00 scope of services for the Doverplum Avenue Water Main Project.

Furthermore, staff requests a contingency of \$25,000.00 and authorization for the CEO to execute any such documents necessary to expend such contingency up to the total not-to-exceed amount limit approved by the Board. (Cost: \$244,905 plus a \$25,000 design contingency for a not-to-exceed total of \$269,905.) (Pelham)

- 7Q. **APPROVAL OF AN ENGINEERING SCOPE OF SERVICES AND CONTRACT ADDENDUM WITH INWOOD CONSULTING ENGINEERS FOR THE POLK COUNTY MARIGOLD AVENUE WIDENING AND STORMWATER IMPROVEMENTS PROJECT**
Staff recommends approval of the scope of services with Inwood Consulting Engineers and requests the Board authorize the CEO/Executive Director to execute the contract addendum with Inwood Consulting Engineers for the Marigold Avenue Widening Project in the amount of \$627,997.63. Furthermore, staff requests the Board authorize the CEO / Executive Director to execute any such documents as may necessary to expend contingency funds up to the total not-to-exceed amount limit approved by the Board. (Cost: \$627,997.63 plus a contingency of \$63,000 for a not to exceed total of \$690,997.63.) (Burgess)
- 7R. **APPROVAL OF ENCROACHMENT AGREEMENT WITH FLORIDA GAS TRANSMISSION FOR THE SIMPSON ROAD PHASES 2, 3, AND 4 (SOUTH SEGMENT) IMPROVEMENTS PROJECT**
Staff recommends the Board authorize the CEO to negotiate and execute the Encroachment Agreement between Florida Gas Transmission and Toho for the Simpson Road Phases 2, 3, and 4 (South Segment) Improvements project. (Cost: None) (Pelham)
- 7S. **APPROVAL OF EDEN GARDENS UPSIZING REIMBURSEMENT REQUEST**
Staff recommends approval of the Eden Garden upsizing reimbursement cost in the amount of \$164,215.71. (Cost: Total \$164,215.71) (Edwards)
- 7T. **APPROVAL TO PIGGYBACK CONTINUING CONTRACTS FOR AS NEEDED PROFESSIONAL SERVICES BETWEEN ST. JOHN COUNTY (CONTRACT # RFQ 22-01) AND JONES, EDMUNDS & ASSOCIATES, INC FOR CITYWORKS IMPLEMENTATION (PBA-23-129)**
Staff recommends approval and execution of the Piggyback Agreement with Jones, Edmunds and Associates, Inc. for Cityworks Implementation Services. (Cost: A total not-to-exceed \$280,000 for the term of the Agreement.) (Mann)

- 7U. **APPROVAL OF THE PURIFICS PILOT STUDY EQUIPMENT RENTAL FOR THE SHINGLE CREEK SURFACE WATER TREATMENT FACILITY**
Staff recommends Board approval of the Agreement with Purifics with approval to waive to the indemnity terms. (Cost: Equipment rental in the amount of \$30,000.) (Pang)
- 7V. **APPROVAL OF THE DEVELOPERS SERVICE AGREEMENT FOR HICKORY TREE AGRITOURISM**
Staff recommends approval of the Hickory Tree Agritourism DSA. (Cost: None) (Biron)
- 7W. **APPROVAL OF DRAFT GENERAL TERMS AND CONDITIONS TO BE USED FOR THE PROCUREMENT OF TEMPORARY STAFFING, DIRECT-HIRE, AND OTHER EMPLOYER SERVICES**
Staff recommends Board approval of General Terms and Conditions for use in employment agreements for temporary staffing, direct-hire, and employer services, and authorize the staff to use of the bid waiver process for any associated agreements. Staff further recommends the Board authorize the CEO / Executive Director to negotiate changes to the General Terms and Conditions, subject to agreement by General Counsel. (Cost: None) (Cotter)
- 7X. **APPROVAL OF RESOLUTION NO. 2023-004 AUTHORIZING EXECUTIVE DIRECTOR TO TAKE ALL ACTIONS AND EXECUTE ALL DOCUMENTS NECESSARY IN FURTHERANCE OF TRANSFERRING MANAGEMENT, OPERATION AND CONTROL OF ST. CLOUD UTILITY SYSTEM TO TOHO**
Staff recommends Board approval of Resolution No. 2023-004. (Cost: None) (Cotter)

8. Informational presentations:

- 8A. **LEGISLATIVE STATUS REPORT**
For information only – no Board action required. (Cost: None) (Swingle)
- 8B. **TOHO STRATEGIC PLAN BOARD CHAMPION REVIEW**
Collective review and comments by Board Champions. (Cost: None) (Sweeney)
- 8C. **KEY PERFORMANCE INDICATORS; PROGRAM UPDATE**
For information only – no Board action required. (Cost: None) (Henry)

8D. ORGANIZATIONAL OVERVIEW – CRITICAL POSITION UPDATES

Board feedback. (Cost: The total estimated cost of these changes is estimated as \$250,000 or less on an ongoing basis, however, with only three months left in the fiscal year, the costs are estimated at \$62,500 or less and offset planned expenditures originally anticipated for FY24.) (Swingle)

9. Unfinished business: None.

10. New business:

10A. APPROVAL OF DELEGATION TO CHIEF EXECUTIVE OFFICE TO EXECUTE CONTINUING CONSULTANT AGREEMENTS

Staff recommends Board delegation of authority to the CEO to execute continuing consultant agreements for the following consulting firms: 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. (Cost: None with this request. There is not a specific cost limit for each of the continuing consulting firms. Project specific scope task authorizations will be negotiated and issued per Toho's purchasing thresholds for either CEO or Board execution with each consultant.) (Pelham)

10B. REQUEST APPROVAL OF RELEASE AND ASSIGNMENT OF CLAIM AND ABILITY TO SEEK COURT ORDER – AD1 CELEBRATION HOTELS, LLC, 5876 IRLO BRONSON MEMORIAL HIGHWAY, KISSIMMEE (002613579-000352890 and 002613579-000352880)

Staff requests the Board authorize the CEO / Executive Director to make changes to and execute the Release and Assignment of Claim with Arch Insurance Company, subject to review and approval by General Counsel. Staff further request authority 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 should circumstances warrant. (Cost: None) (Cotter)

11. Staff reports:

11A. CONSTRUCTION CONTINGENCY STATUS REPORT

For information only – no Board action required. (Cost: None) (Pelham)

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

For information only – no Board action required. (Cost: None)
(Pelham)

11C. MONTHLY FINANCIAL REPORT ENDING APRIL 30, 2023

For information only – no Board action required. (Cost: None)
(Villarosa)

11D. EXECUTED AND RECORDED DEVELOPER'S SERVICE AGREEMENTS FROM NOVEMBER 2022 THROUGH MAY 2023

For information only – no Board action required. (Cost: None) (Biron)

12. Comments:

Board Officials
Executive Director
General Counsel

13. Upcoming events:

June

Pride Month	6/1/23
Juneteenth Festival	6/17/23
Juneteenth – Toho administrative offices closed	6/19/23
Father's Day	6/18/23
Women in Engineering Day	6/23/23
Work from Home Day	6/29/23

July

Smart Irrigation Month	7/1/23
Lakes Appreciation Month	7/1/23
Independence Day	7/4/23
Independence Day	7/4/23