



Toho Water Board of Supervisors' Meeting

Date and Time: Wednesday, July 19, 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: None**
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 JUNE 15, 2023**

Staff recommends the approval of the Board Meeting minutes from June 15, 2023. (Cost: None.) (Smith)

7B. **APPROVAL OF CPH ENGINEERS' SCOPE OF SERVICES ADDENDUM #1 FOR PRIVATE DEVELOPMENT PLAN, MASTER UTILITY PLAN AND HYDRAULIC CALCULATION REVIEWS; LIFT STATION REHABILITATION DESIGN SUPPORT; WATER AND SEWER LINE EXTENSION REVIEWS IN THE POINCIANA SERVICE AREA; AND DESIGN/PERMITTING OF SMALL DIAMETER WATER AND SEWER MAIN EXTENSIONS.**

Staff recommends the Board approve and execute CPH Engineers' scope of services for the not-to-exceed amount of \$297,685 (Addendum #1 under the new Continuing Consultant Agreement) for private development plan, master utility plan and hydraulic calculation reviews; in-house lift station design assistance; water and sewer line extension reviews in the Poinciana service area or other areas requiring line extensions to add service to existing developments; and design and permitting of small diameter water and sewer main extensions. (Cost: This request is for \$297,685 projected to last through January 2024.) (Matos)

7C. **APPROVAL OF THIRD AMENDMENT TO THE AGREEMENT WITH QUALITY LAWN SERVICES UNLIMITED, INC. FOR LAWN MAINTENANCE OF LIFT STATIONS (RFP-20-098)**

The existing approved Board authorization is \$416,190. Staff requests approval of this addendum to increase the total not-to-exceed authorization to \$721,396, based upon this addendum of \$305,206. This addendum includes a base authorization of \$277,460 plus \$27,746 contingency. Staff further requests Board authorize the Executive Director to execute the Third Amendment with the Contractor for Agreement RFP-20-098 with the same terms and conditions as that attached hereto. Staff also requests the Board authorize the Executive Director to execute any such documents as are necessary to expend any contingency provided that the total contract expenditures remain within the total not-to-exceed contract limit approved by the Board. (Cost: An additional \$277,460, plus a 10% (\$27,746) contingency for a total not-to-exceed amount of \$721,396 for the term of the Agreement ending on August 31, 2025.) (Nunez)

7D. **APPROVAL OF ENCROACHMENT AGREEMENT WITH FLORIDA GAS TRANSMISSION FOR THE TURNPIKE IMPROVEMENTS PROJECT AT FORTUNE ROAD**

Staff recommends the Board authorize the Executive Director/CEO to negotiate and execute the final approved Encroachment Agreement between Florida Gas Transmission and Toho for the Turnpike at Fortune Road Improvements project. (Cost: No cost associated with the agreement.) (Denzier/Pelham)

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

The existing approved Board authorization for the Agreement is \$783,794. Staff requests approval, through the attached Scope of Service for consulting AMI services, to increase the total not-to-exceed authorization to \$1,019,329, which includes a base authorization for an additional \$204,813, plus a 15% (\$30,722) contingency. Staff further requests authorization be delegated to the Executive Director / CEO 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. In addition, staff requests that the Agreement be designated as a Contract Vehicle with Task Authorizations to be issued for unique work/scope whereby the approvals will follow the signature authority outlined in the procurement policy approved by the Board. (Cost: Requesting an additional \$204,813, with a 15% (\$30,722) contingency for a total

not-to-exceed amount of \$1,019,329 for the term of the Agreement.)
(Mann)

7F. APPROVAL OF THE CONSULTING AGREEMENT WITH TETRA TECH, INC FOR SCADA MASTER PLAN AND ADDENDUM #1 BASED ON SCOPE OF SERVICES (RFQu-23-033)

Staff requests approval of a total not-to-exceed authorization of \$683,700. Staff further recommends the Board of Supervisors approve the Consulting Services Agreement and Addendum #1 based on the scope of services proposal with Tetra Tech, Inc. for SCADA master plan, and approval for the Executive Director to authorize additional SCADA related master planning activities within the Executive Director's signing authority. (Cost: Not to exceed \$683,700 for the initial scope of work.) (Mann)

7G. APPROVAL OF DISK FILTER STANDARDIZATION FOR THE WATER RECLAMATION FACILITIES

Staff requests approval to standardize the filtration systems across our water reclamation facilities to the Aqua Aerobics AquaDisk product without allowance for alternative products. (Cost: None.)
(Jensen)

7H. APPROVAL OF ADDITIONAL CONTINGENCY FOR A CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH A.C. SCHULTES OF FLORIDA, TO PURCHASE AND INSTALL A WELL PUMP AND APPURTENANCES FOR THE RANCH WATER SUPPLY WELL PROJECT (IFB-23-011)

Staff recommends approval of the contingency for a change order with A.C. Schultes to purchase, install, and provide start-up services; and authorization for the Executive Director/CEO 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 of Supervisors (\$500,000). In the event the cost exceeds this authorized limit, the change order will be brought back to the Board of Supervisors for approval. (Cost: This Contingency Request of \$500,000 for Well Pump Installation, with the A.C. Schultes Contract of \$729,600 (Approved January 18, 2023) and the Original Contingency of \$50,000 (Approved January 18, 2023; unused) being a total not-to-exceed Cost of \$1,279,600.) (Beatty)

7I. APPROVAL OF AN ENGINEERING SCOPE OF SERVICES AND CONTRACT ADDENDUM #2 WITH INWOOD CONSULTING ENGINEERS FOR DESIGN OF UTILITY RELOCATIONS FOR THE POLK COUNTY MARIGOLD AVENUE WIDENING AND STORMWATER IMPROVEMENTS PROJECT

Staff recommends approval of the Contract Addendum #2 for the Scope of Services with Inwood Consulting Engineers, Inc. and

authorization for the Executive Director/CEO to execute the Contract Addendum #2 for the Marigold Avenue Roadway Improvement Project in the amount of \$627,997.63. Staff also requests a \$63,000 contingency and authorization for the Executive Director/CEO to execute any such documents as are necessary to expend such contingency up to the total not-to-exceed amount limit of \$790,997.63 approved by the Board. In the event the cost exceeds this Board authorized limit, the agreement will be brought back to the Board for approval. (Cost: This request for \$627,997.63 (Design Scope of Services) with a requested Contingency of \$63,000.00 and the previously approved work, authorization of \$100,000.00 for a total not-to-exceed amount of \$790,997.63 being the total for work under this request plus previously approved work.) (Burgess/Pelham)

7J. **APPROVAL OF A CONSTRUCTION MANAGER AT RISK (CMAR) AGREEMENT AND A \$2,619,053 ADDENDUM WITH VOGEL BROTHERS AND APPROVE A \$200,000 CONTINGENCY FOR THE HARMONY WATER RECLAMATION FACILITY EXPANSION CMAR SERVICES AND HARMONY WRF DISC FILTER RELOCATION PROJECT (IFB-23-112)**

Staff requests approval and execution of Toho's Standard Construction Manager at Risk Agreement with Vogel Brothers Building Company for the Harmony WRF Expansion CMAR Services and Disc Filter Relocation Project. Staff requests approval of a total not-to-exceed authorization of \$2,819,053 which includes a base authorization amount of \$2,619,053 plus \$200,000 contingency. Staff requests authorization for the CEO/Executive Director to execute any such documents as are necessary to expend any contingency provided that the total contract expenditures remain within the total not-to-exceed contract limit approved by the Board. (Cost: \$2,619,053 plus a contingency in the amount of \$200,000 for a total approval of \$2,819,053.) (Zhou)

7K. **APPROVAL OF HAZEN SAWYER INC., THE RECOMMENDED CONSULTANT FOR WATER TREATMENT PLANT #4 PERMANENT UPGRADE TO ADDRESS AESTHETIC WATER QUALITY ISSUES AND FUTURE FACILITY EXPANSION**

Staff recommends the Board approve Hazen Sawyer for the design, upgrade, and future expansion of WTP #4. (Cost: None at this time, scope of services to be submitted at a future meeting. The Executive Director/CEO may execute a limited scope within his authorized limit.) (Pelham)

- 7L. **APPROVAL TO DELEGATE TO THE EXECUTIVE DIRECTOR/CEO AUTHORITY TO EXECUTE A \$32,500.00 ADDENDUM #8 TO VANASSE HANGEN BRUSTLIN, INC.'S (VHB) SCOPE OF DESIGN SERVICES FOR OSCEOLA COUNTY'S SIMPSON ROAD WIDENING PHASE 1 PROJECT**
The existing approved Board authorization is \$328,630.30, which includes a \$14,397.30 contingency. Staff requests approval of an addendum to increase the total not-to-exceed authorization to \$361,130.30, based upon the addendum and delegation of authority to the Executive Director/CEO to execute such addendum up to the Board approved limit. (Cost: This Request of \$32,500.00 with the previous Approvals of \$328,630.30 as a total not-to-exceed amount of \$361,130.30.) (Matos)
- 7M. **APPROVAL OF A REPLACEMENT GENERATOR TO THE EXISTING FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR THE SOUTH SIDE WATER RECLAMATION (WRF) FACILITY**
Staff recommends adding the South Side generator to the 2023-2027 capital budget funded at \$600,000. (Cost: None at this time, the generator cost at a future date is estimated to range from \$150,000, assuming 75% grant, to \$600,000 without grant funding.) (Pelham)
- 7N. **APPROVAL OF RESOLUTION NO. 2023-005 DECLARING CERTAIN TOHO PROPERTIES NO LONGER NEEDED FOR UTILITY PURPOSES AND DESIGNATING SUCH LAND AS SURPLUS; AUTHORIZING THE EXECUTIVE DIRECTOR TO EXCHANGE THE SURPLUS LANDS IN ACCORDANCE WITH THE PROPOSED LAND EXCHANGE AGREEMENT; AND AUTHORIZING THE EXECUTIVE DIRECTOR TO TAKE ALL ACTIONS AND EXECUTE ALL DOCUMENTS NECESSARY TO EXCHANGE THE CERTAIN SURPLUS LANDS BETWEEN TOHO AND OSCEOLA COUNTY, FLORIDA, IN ACCORDANCE WITH THE LAND EXCHANGE AGREEMENT**
Staff recommends Board approval of Resolution No. 2023-005. (Cost: No cost at this time.) (Cotter)
- 7O. **APPROVAL OF CORRECTED TOTAL COST, \$3,215,111.27 (REVISED FROM \$3,019,941.27) FROM THE APPROVED DECEMBER 2022 CONSENT AGENDA ITEM 7P, APPROVAL OF CHANGE ORDER #1 TO THE CONSTRUCTION CONTRACT AWARDED TO PRIME CONSTRUCTION GROUP, INC FOR THE LS 01P GRAVITY SEWER REHABILITATION PROJECT.**
Staff recommends Board's acceptance of the corrected "Total Costs" from Consent Agenda item 7P, 'APPROVAL OF CHANGE ORDER #1 TO THE CONSTRUCTION CONTRACT AWARDED TO PRIME

CONSTRUCTION GROUP, INC FOR THE LS 01P GRAVITY SEWER REHABILITATION PROJECT' from the 12/14/2022 Board meeting. As this represents a restatement of previously approved contingency, staff requests authorization for the Executive Director/CEO 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: \$195,170 represents the reinstatement of the contingency from the original construction award. Total approved not-to-exceed cost for this rehabilitation Board approved project is \$3,215,111.27.) (Noyes)

7P. APPROVAL OF CHANGE ORDER #1 IN THE AMOUNT OF \$846,654 WITH PRIME CONSTRUCTION FOR THE LS 97 FORMOSA GARDENS GRAVITY SEWER REHABILITATION PROJECT.

The existing approved Board authorization is \$5,212,824. Staff requests approval of this Change Order #1 to increase the total not-to-exceed authorization to \$6,059,478, based upon this Change Order of \$846,654. Staff requests authorization for the Executive Director/CEO to execute any such documents as are necessary to expend any contingency provided that the contract expenditure remains within the total not-to-exceed amount limit approved by the Board. (Cost: This request of \$846,654 with the previously approved \$4,738,934 and the \$473,890 contingency for a total not-to-exceed cost of \$6,059,478.) (Shields)

7Q. APPROVAL OF WRIGHT – PIERCE, INC.'S AMENDMENT #2 TO THE AGREEMENT FOR ENGINEERING SERVICES FOR THE HICKORY TREE ROAD WATER MAIN AND NORTHEAST BOOSTER STATION UPGRADE PROJECT

The existing approved Board authorization is \$526,067.64. Staff requests approval of Amendment #2 for the Hickory Tree Road Water Main and Northeast Booster Station Upgrade Project in the amount of \$256,202.18. Staff requests approval of this addendum to increase the total not to exceed amount to \$782,269.82, based upon this addendum of \$256,202.18. This addendum includes a base authorization of \$232,902.18, plus a \$23,300.00 contingency. Staff further requests authorization for the Executive Director/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: This Request of Addendum #2 for \$232,902.18 and the design contingency of \$23,300.00 totaling \$256,202.18. Previous Approvals for St. Cloud of \$496,732.93 and Toho of \$29,334.71 totaling \$526,067.64 for a not-to-exceed total of \$782,269.82.) (Matos)

7R. APPROVAL OF \$877,000 FUNDING FOR LS 61 POINCIANA BLVD MANHOLE REPLACEMENT: LS18 SCOTTS BLVD PROJECT

The existing approved Board Authorization is \$8,558,231. Staff requests approval of this addendum to increase the total not-to-exceed authorization to \$9,385,231 based on this funding request of \$827,000; \$577,000 estimated construction costs and \$250,000 contingency. Staff requests authorization for the CEO//Executive Director to execute any such documents as are necessary to expend any construction estimate and contingency provided that the total contract expenditures remain within the total no-to-exceed contract limit approved by the Board. (Cost: This request of \$827,000 (\$577,000 estimated cost + \$250,000 contingency) with previous approvals of Contract Award \$5,304,724 plus Original Contingency of \$530,470 and Change Order #2 for \$2,475,487 with Change Order #2 Contingency of \$247,550. *Change Order #1 was approved by Staff out of original contingency. The total previously approved was \$8,558,231 making a total not-to-exceed amount of \$9,385,231.) (Shields)

7S. APPROVAL OF THE DEVELOPERS SERVICE AGREEMENT FOR WESTVIEW PODS B, C, AND D.

Staff recommends approval of the Westview Pods B, C and D DSA. (Cost: There are no costs associated with this item.) (Vargas)

7T. APPROVAL OF HARMONY REUSE MAIN EXTENSION REIMBURSEMENT COST OF \$776,334.85 AND A CONTINGENCY OF \$78,000

Staff recommends approval of the \$776,334.85 Harmony West Reuse Main Reimbursement cost. Staff also requests a \$78,000.00 contingency and authorization for the Executive Director/CEO to execute any such documents as are necessary to expend such contingency up to the total not-to-exceed amount limit of \$1,946,510.56 approved by the Board. (Cost: This request of \$776,334.85 plus a contingency in the amount of \$78,000.00 for a not-to-exceed total cost of \$854,334.85 with the previously authorized amount of \$1,092,175.71 making a total not-to-exceed amount of \$1,946,510.56.) (Vargas)

7U. APPROVAL OF NEW SPECIAL CONDITIONS FOR SECTION 21 OF TOHO'S DEVELOPER SERVICE AGREEMENT AND DELEGATE APPROVAL TO THE CEO/EXECUTIVE DIRECTOR

Staff is requesting approval of the special conditions and recommends Board approval to authorize the Executive Director to execute Developer's Service Agreements with the additional Special

Conditions. (Cost: There is no cost to Toho related to these conditions.) (Anthony)

8. Informational presentations: None

9. Unfinished business:

9A. RATIFICATION AND ADOPTION OF WATER AND WASTEWATER CAPACITY ALLOCATION POLICY

Staff recommends approval of the Water and Wastewater Capacity Allocation Policy pursuant to Section 3.02 of the SDC Resolution. (Cost: None.) (Cotter)

10. New business: None

11. Staff reports:

11A. MONTHLY FINANCIAL REPORT ENDING MAY 31, 2023

Informational only, no action is required by the Board. (Cost: None.) (Villarosa)

11B. TOHO ASSISTANCE PROGRAM (TAP) FY23 3RD QUARTER UPDATE

Staff will 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. COMMUNICATIONS QUARTERLY REPORT FOR APRIL-JUNE 2023

Information only – no action is required by the Board. (Cost: None.) (Floer)

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

Information only – no action is required by the Board. (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)

12. Comments:

Board Officials
Executive Director
General Counsel

13. Upcoming events:

July

Smart Irrigation Month 7/1/2023

Lakes Appreciation Month 7/1/2023

Water Works Summer Camp 7/24/2023

August

Water Quality Month 8/1/2023



Toho Water Board of Supervisors' Capital Budget Workshop

Date and Time: Wednesday, July 19, 2023, commencing upon completion of the regular Board of Supervisors' Meeting, which starts at 5.00pm.

Board Members and Executive Staff:

Henry Thacker - Chair
Hector Lizasuain - Vice Chair
William "Bill" Land - Secretary
Tom White – Supervisor (absent)
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
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1. **Toho Water Authority** - CIP Budget Approval Presentation, including R&R program. (Henderson)