



Toho Water Board of Supervisors' Meeting

Date and Time: Wednesday, September 20, 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
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: None**
5. **Public Hearing:**
 - 5A. **PUBLIC HEARING FOR THE ADOPTION OF ADJUSTMENTS TO RATES, FEES, AND CHARGES**
Staff recommends approval of Resolution 2023-007 to adopt the public noticed rate adjustments. (Cost: None) (Villarosa).
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 CAPITAL BUDGET WORKSHOP MINUTES 07.19.23, BOARD MEETING MINUTES 08.09.23 AND OPERATING BUDGET WORKSHOP MINUTES 08.23.23.**
Staff recommends the approval of the Capital Budget Workshop Minutes 07.19.23, Board Meeting Minutes 08.09.23 and Operating Budget Workshop Minutes 08.23.23. (Cost: None.) (Smith)
- 7B. **THE BOARD IS REQUESTED TO APPROVE \$2,193,596 ADDITIONAL DESIGN SCOPE ADDENDUM #3 FOR THE HARMONY WATER TREATMENT PLANT UPGRADE AND EXPANSION PROJECT WITH HAZEN AND SAWYER, AN ADDITIONAL \$30,000 FOR LABORATORY SERVICES, AND AN ADDITIONAL \$50,000 CONTINGENCY INCREASING THE TOTAL BOARD AUTHORIZATION FROM \$2,865,128 TO \$5,138,724.**
Staff requests Board approval of the attached scope of services and addendum for the Agreement with Hazen and Sawyer for the additional design scope of \$2,193,596. The Board is also requested to approve an additional analytical services allowance of \$30,000 and an additional contingency of \$50,000 to increase the cumulative authorized funding by \$2,273,596 for a total not-to-exceed amount of \$ 5,138,724. Staff further requests Board to authorize the Executive Director/CEO to execute any addendum or other such documents with Hazen and Sawyer as necessary

to expend such allowance and contingency up to the total not-to-exceed amount limit of \$5,138,724 approved by the Board. (Cost: This request for Additional Design Fee (Hazen and Sawyer) at \$2,193,596 with Additional Analytical Services of \$30,000 and Additional Contingency of \$50,000 totalling This Request at \$2,273,596. The Previously Approved costs were: Design (Hazen and Sawyer) of \$ 2,565,128 plus Analytical Services of \$50,000 with Contingency \$150,000 and Additional Funding (For Pilot Study) of \$100,000 with a Total Previous Approved of \$2,865,128. Combined, the Cost (included allowance and contingency) Totals \$5,138,724.) (Pang)

7C. THE BOARD IS REQUESTED TO APPROVE A \$312,853.63 DESIGN SCOPE OF SERVICES AND \$20,000.00 CONTINGENCY WITH WRIGHT-PIERCE FOR DESIGN OF FOUR GENERATORS

Staff requests approval of a total not-to-exceed authorization of \$332,853.63 which includes a base authorization amount of \$312,853.63 plus a \$20,000 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: This Request Design Scope of Services \$312,853.63 and requested Contingency \$20,000.00 Total This Request \$332,853.63.) (Smart)

7D. APPROVAL OF A \$844,300 COMPETITIVE LOW QUOTE AND AGREEMENT WITH APPLIED DRILLING ENGINEERING, INC. FOR THE CONSTRUCTION OF A THIRD WELL AT THE HARMONY WATER TREATMENT PLANT. THE BOARD IS ALSO REQUESTED TO APPROVE A \$100,000 PROJECT CONTINGENCY. THE TOTAL BOARD REQUEST IS \$944,300.

Staff requests Board approval of the selection of Applied Drilling Engineering, Inc., and the attached contract for the construction of the new well at Harmony WTP for a total not-to-exceed authorization of \$944,300 including a base authorization amount of \$844,300 plus a \$100,000 contingency. Staff further requests authorization for 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: This Request for: Well Construction of \$844,300 and Contingency of \$100,000 for a Total Request of \$944,300.) (Pang)

7E. REQUEST APPROVAL FOR OLD CANOE CREEK CTR CONDO ASSOCIATION CUSTOMER ADJUSTMENT

Staff recommends approval of the proposed Old Canoe Creek Ctr Condo Assoc. customer adjustment. (Cost: Adjustment in the amount of \$12,539.51.) (Havey)

7F. APPROVAL A CONTRACT ADDENDUM FOR STANTEC TO CONTINUE AS CONTRIBUTION IN AID OF CONSTRUCTION (CIAC) PROGRAM MANAGER (RFQu-21-043) INCREASING THE AUTHORIZATION FROM \$818,533 TO \$1,522,830.

The existing approved Board authorization is \$818,533. Staff requests approval of this Addendum #2 to increase the total not-to-exceed authorization to \$1,522,830, based upon this Addendum of \$704,277. This Addendum includes a base authorization of \$640,252 plus \$64,025 contingency. Staff requests authorization for the Executive Director/ CEO 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: Interim Scope of work (8/23/21) \$99,020 with the Original contract cost not-to-exceed amount (10/13/21) of \$505,630.00 and an Original Contingency of \$50,563.00. Addendum #1 (2/9/22) of \$462,360.00 and the requested contract amendment not to exceed amount of \$ 704,277.00. The Total Cost is \$1,522,830.00 and is to be funded by budgeted FY2024 capital improvement project funds.) (Biron)

7G. APPROVAL OF AMENDMENT #1 OF THE INTERLOCAL AGREEMENT WITH OSCEOLA COUNTY FOR THE BOGGY CREEK ROAD IMPROVEMENT PROJECT INCREASING THE PROJECT FUNDING BY \$5,485,195.52 FOR A TOTAL OF \$16,380,280.95.

The existing Board approved authorization is \$10,895,085.43. Staff requests approval of this First Amendment to the ILA that will increase the total not-to-exceed authorization to \$16,380,280.95. This First Amendment to the ILA includes additional construction funding of \$4,986,541.38 and construction contingency of \$498,654.14. Staff further 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: This request is for Additional Construction Funding of \$4,986,541.38 with an Additional Construction Contingency (10%) of \$498,654.14 totaling this request at \$5,485,195.52. The Previously Approved amount was for the Construction Estimate of \$9,904,623.11 and a Contingency of \$990,462.32 with the total Previously Approved Request to \$10,895,085.43 bringing the overall Total Request to \$16,380,280.95.) (Denzler/Pelham)

7H. AGREEMENT WITH PROMISE INC. TO ADMINISTER THE LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP)

At the time of preparation of this Board memorandum responses to clarifying questions are being reviewed by General Counsel. Therefore, staff recommends that the Board authorize the Executive Director and General Counsel to finalize the vendor agreement and, with the concurrence of the Board Chairman, the Executive Director be authorized to execute the final agreement with Promise Inc. (Cost: No additional cost at this time.) (Sweeney/Havey)

7I. APPROVAL OF AGREEMENT WITH ALLIED UNIVERSAL CORP. FOR SUPPLY AND DELIVERY OF LIQUID SODIUM HYPOCHLORITE FOR SMALL PLANTS (IFB-23-062)

Staff recommends approval of Agreement with Allied Universal Corporation (IFB-23-062) for the supply and delivery of liquid sodium hypochlorite for

small plants. (Cost: A total not-to-exceed amount of \$330,000 for the term of the Agreement, which expires March 31, 2025.) (Jensen)

7J. APPROVAL OF FIFTH AMENDMENT TO THE AGREEMENT FOR LAWN MAINTENANCE OF WASTEWATER PLANTS WITH QUALITY LAWN SERVICES UNLIMITED, INC. (RFP-20-015-01)

Staff recommends approval of the Fifth Amendment to the Agreement with Quality Lawn Services Unlimited, Inc. for the Lawn Maintenance Services for Wastewater Plants. (Cost: None.) (Jensen)

7K. APPROVAL OF THIRD AMENDMENT TO THE AGREEMENT WITH OWENS, RENZ & LEE, CO FOR JANITORIAL SERVICES (RFP-20-102)

Staff recommends Board approval of the attached Third Amendment to the Agreement with Owens Renz & Lee Co for janitorial services. (Cost: An additional \$700,000 for the two-year extension for a total not to exceed amount of \$1,441,191.00 for the term of the Agreement.) (Jensen)

7L. APPROVAL OF THE SECOND AMENDMENT TO THE AGREEMENT WITH ODYSSEY MANUFACTURING CO. FOR THE SUPPLY AND DELIVERY OF SODIUM HYPOCHLORITE FOR LARGE PLANTS (IFB-20-163)

Staff recommends approval of the Second Amendment of the Agreement with Odyssey Manufacturing Co. for the supply and delivery of liquid sodium hypochlorite for the large treatment plants. (Cost: An additional \$4,847,420 for a total not-to-exceed amount of \$8,547,420 for the term of the Agreement which is effective until January 31, 2026.) (Jensen)

7M. APPROVAL OF THE ADDENDUM #2 WITH TETRA TECH, INC FOR SCADA MASTER PLAN BASED ON THE SCOPE OF SERVICES (RFQu-23-033)

Staff recommends approval of Addendum #2 with Tetra Tech to provide staff augmentation services for the SCADA division. Staff recommends authorization for the CEO/Executive Director to execute the change order and any such document as are necessary provided that the total contract expenditures remain within the total not-to-exceed contract limit approved by the Board. (Cost: \$170,458 for a total not-to-exceed amount of \$854,158.) (Jensen)

7N. APPROVAL OF UTILITY EASEMENT AND LICENSE INTEREST AGREEMENT BETWEEN TOHO AND THE CITY OF ST. CLOUD

Staff recommends approval of the Utility Easement and License Interest Agreement with the City of St. Cloud Florida. (Cost: No costs at this time.) (Cotter)

7O. APPROVAL OF THE SELECTION OF CHEN MORE AND ASSOCIATES TO PROVIDE ENGINEERING CONSULTING SERVICES FOR THE REHABILITATION AND/OR REPLACEMENT OF UP TO 20,000 FT. OF 20-INCH DIAMETER WASTEWATER FORCEMAIN IN THE TOHO EAST (ST. CLOUD) SERVICE AREA.

Staff recommends approval of CMA as the top ranked firm to provide design related services for the force main rehabilitation and/or replacement. (Cost: None at this time. A design scope will be submitted for Board approval at a future meeting. A preliminary construction cost estimate will be developed based on completion of the force main condition assessment.) (Pelham)

- 7P. **APPROVAL OF A MODIFICATION TO THE AUTHORITY'S CONSTRUCTION MANAGER AT RISK (CMAR) SERVICES BID PROCESS TO ACCELERATE DELIVERY OF TOHO EAST'S WATER TREATMENT PLANT #4 CONSTRUCTION UPGRADE. THE BOARD IS ALSO REQUESTED TO DELEGATE APPROVAL OF THE SELECTED CMAR FIRM TO THE EXECUTIVE DIRECTOR/CEO IF NECESSARY TO MAINTAIN THE PROJECT SCHEDULE.**

The Board is requested to approve the modified CMAR selection process considering qualifications and CMAR services bid as a percentage for the WTP #4 CMAR selection. The Board is also requested to delegate approval of the selected CMAR firm to the Executive Director/CEO if necessary to maintain the project schedule. (Cost: None.)(Pelham)

- 7Q. **APPROVAL OF A \$ 2,895,073 SCOPE OF SERVICES WITH HAZEN AND SAWYER FOR DESIGN AND CONSTRUCTION ADMINISTRATIVE SERVICES FOR THE WATER TREATMENT PLANT #4 PERMANENT UPGRADE IN THE TOHO EAST (ST. CLOUD) SERVICE AREA. THE BOARD IS ALSO REQUESTED TO DELEGATE EXECUTION OF THE ENGINEERING SERVICES AGREEMENT TO THE EXECUTIVE DIRECTOR/CEO AND TO APPROVE A DESIGN AND CONSTRUCTION ADMINISTRATIVE SERVICES CONTINGENCY OF \$300, 000 FOR ADDITIONAL TASKS IF NECESSARY.**

Staff requests approval of a total not-to-exceed authorization of \$3,445,073 which includes a base authorization amount of \$2,895,073, a \$250,000 authorization executed by the Executive Director/CEO plus a \$300,000 contingency. Staff further requests authorization for the Executive Director/CEO 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 and to execute the engineering services agreement once the WIFIA loan requirements are incorporated into the agreement. (Cost: This request for Design Scope of \$2,895,073 plus Contingency of \$300,000 Totalling this request at \$3,095,073.) (Pelham)

- 7R. **APPROVAL OF A \$210,000 ONE YEAR SERVICE CONTRACT WITH PALL CORPORATION TO SUPPORT STAFF OPERATION OF THE TEMPORARY PALL FILTERS INSTALLED AT THE TOHO EAST (ST CLOUD) WATER TREATMENT PLANT #4. THE SERVICE CONTRACT INCREASES THE TOTAL PALL FILTER RENTAL AGREEMENT FROM \$2,419,781 TO \$2,629,781**

The previously approved Board authorization is \$2,419,781 including approved contingency use. Staff requests approval of this one year service agreement to increase the total not-to-exceed authorization to \$2,629,781 based upon this service agreement of \$210,000. (Cost: Previously

approved \$2,419,781 plus this request for \$210,000 for a total of \$2,629,781.) (Pelham)

7S. **APPROVAL OF THE SECOND AMENDMENT TO THE AGREEMENT WITH A.C. SCHULTES OF FLORIDA, INC. FOR MAINTENANCE AND REPAIR SERVICES FOR WATER SUPPLY WELLS AND WELL PUMPS (IFB-19-122)**

Staff recommends approval of the Second Amendment to the Agreement with A.C. Schultes of Florida, Inc. for additional maintenance and repair services for water supply wells and well pumps. (Cost: An additional \$421,000 for a total not-to-exceed amount of \$1,310,580 for the term of the Agreement.) (Jensen)

7T. **APPROVAL OF AMENDMENT #1 TO THE INTERLOCAL AGREEMENT WITH POLK COUNTY FOR THE LAKE WILSON ROAD IMPROVEMENTS PROJECT AND ADDITIONAL PROJECT FUNDING OF \$145,943.68 INCREASING THE TOTAL APPROVED FUNDING TO \$2,675,439.78.**

The existing approved Board authorization is \$2,529,496.10. Staff requests approval of Amendment #1 to the interlocal agreement with Polk County to increase the total not-to-exceed authorization to \$2,675,439.78, based upon this amendment of \$145,943.68. 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 \$145,943.68 with Prior Approvals of \$2,529,496.10 at a Total Cost of \$2,675,439.78.) (Munez)

7U. **APPROVAL OF THE SIXTH AMENDMENT TO THE AGREEMENT WITH FLORIDA ARMATURE WORKS, INC., AND THIRD AMENDMENT TO THE AGREEMENT WITH TAW ORLANDO SERVICE CENTER, INC. FOR REPAIR SERVICES OF PUMPS, MOTORS, AND OTHER EQUIPMENT (RFP-20-123-01, RFP-20-123-02)**

Staff recommends approval of the Sixth Amendment to the Agreement for Repair Services of Pumps, Motors, and Other Equipment with Florida Armature Works, Inc. (RFP-20-123-01) and Third Amendment with TAW Orlando Service Center, Inc. (RFP-20-123-02). (Cost: An additional \$1,276,000 for a total cumulative not-to-exceed amount of \$5,076,000 between FAW and TAW for the term of the Agreements.) (Jensen)

7V. **APPROVAL OF FIRST AMENDMENT TO THE COOPERATIVE AGREEMENT FOR CURED-IN-PLACE-PIPE SERVICES BETWEEN BUYBOARD NATIONAL PURCHASING COOPERATIVE AND INSITUFORM TECHNOLOGIES, LLC (PBA-23-069)**

Staff requests approval of this addendum for the Piggyback Agreement for Cured-in-place Piping services with Insituform Technologies, Inc. (Cost: \$1,175,000 for a total not-to-exceed amount of \$2,775,000.) (Jensen)

7W. **APPROVAL OF RESOLUTION 2023-009 DELEGATING SIGNING AUTHORITY TO EXECUTIVE DIRECTOR FOR FEDERAL AND STATE GRANT APPLICATIONS AND AGREEMENTS**

Staff recommends approval of Resolution 2023-009 delegating signing authority to Toho's Executive Director of grant applications and agreements received from federal and state government funding agencies. (Cost: No costs at this time.) (Cotter)

7X. **APPROVAL OF A DRAFT TRI-PARTY SANITARY SEWER AGREEMENT BETWEEN TOHO, THE CITY OF KISSIMMEE AND PARK SQUARE MF, LLC FOR THE GRANT OF AN EASEMENT NECESSARY TO CONSTRUCT SANITARY SEWER INFRASTRUCTURE IMPROVEMENTS TO SERVE NEO AT KISSIMMEE (ASTON SQUARE) AND CITY OF KISSIMMEE PROPERTY. THE BOARD IS ALSO REQUESTED TO DELEGATE EXECUTION OF THE FINAL AGREEMENT TO THE EXECUTIVE DIRECTOR/CEO.**

Staff is requesting Board approve the draft agreement and delegate to the Executive Director/CEO authority for execution of the final agreement. (Cost: None.) (Munez)

8. **Informational presentations:**

8A. **ST. CLOUD WATER TREATMENT PLANT (WTP) #4, DISTRIBUTION SYSTEM, AND TOHO-ST. CLOUD TRANSITION UPDATES**

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

9. **Unfinished business:** None.

10. **New business:**

10A. **APPROVAL OF THE FISCAL YEAR 2024 BUDGET RESOLUTION**

Staff recommends approval of the Fiscal Year 2024 Annual Budget through Resolution 2023-008 as presented including aforementioned final adjustments. Total operating revenue at \$217.2M, operating & maintenance expenditures at \$114.8M, debt service \$18.4M, payments in lieu of taxes \$17.9M, and required renewal & replacement transfers of \$20.3M for a net of \$45.7M. Budgeted capital expenditures total \$297.2M of which \$142.4M in operating fund, \$110.7M in water system development fund, and \$40.6M in wastewater system development fund. A 75% capital execution factor is applied to overall capital spending. (Cost: No cost associated with this item.) (Villarosa)

10B. **APPROVAL TO PURCHASE THE ANNUAL VEHICLE REQUIREMENTS FROM THE STATE CONTRACT, FL. SHERIFF CONTRACT, SOURCEWELL CONTRACT, CITY OF TALLAHASSEE, TOHO BID OR OTHER PURCHASING METHOD THAT COMPLIES WITH TOHO'S PROCUREMENT MANUAL**

Staff recommends approval to procure the 2024 annual budgeted Toho vehicle requirements from the Florida Sheriff's Association bid, the State of Florida Contract, Sourcewell Contract, City of Tallahassee contract or Toho

issued bid or any other purchasing method that complies with Toho's procurement manual and to authorize the Executive Director make such purchases of Toho's vehicle needs within the not to exceed annual budget of \$6,040,000 allowing for adjustments as may be necessary based upon model availability and business needs that are otherwise consistent with the overall vehicle replacement plan as presented. (Cost: Not to Exceed \$6,040,000.) (Mzee/Carry)

10C. **FY2024 COMMUNITY SPONSORSHIPS REQUESTS AND RECOMMENDATIONS**

Request approval of a final allocation for FY2024 sponsorships. (Cost: \$152,975.00 allocated out of a \$175,000 budget line.) (Floer)

11. **Staff reports:**

11A. **MONTHLY FINANCIAL & STATISTICAL REPORT ENDING JULY 31, 2023**

Informational only. No action required by the Board. (Cost: None.) (Villarosa)

11B. **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:**

September

Hispanic Heritage Month 9/15/2023

Rosh Hashanah 9/15/2023

Yom Kippur 9/24/2023

October

Disability Awareness Month 10/1/2023

Cybersecurity Month 10/1/2023

Customer Service Week 10/2/2023

Viva Osceola 10/7/2023