



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, October 11, 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 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

Dial [26332207189.tohowater@lync.webex.com](tel:26332207189.tohowater@lync.webex.com)

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

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Toho Water Board of Supervisors' Meeting

Date and Time: Wednesday, October 11, 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. A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOHOPEKALIGA WATER AUTHORITY ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS LEVIED IN ALL OR PART OF THE SERVICE AREA OF THE TOHOPEKALIGA WATER AUTHORITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE

General Counsel and Executive Director recommend approval of the attached Notice of Intent Resolution electing and preserving the ability to use the Uniform (tax bill) Method of Collecting Non-ad Valorem Assessments. Further, staff request the Board's authorization for the Office of General Counsel to affix the proof of publication to the Resolution upon receipt. (Cost: Cost of advertising required by law.) (Cotter)

5B. PULLED – APPROVAL OF AN UPDATE TO THE CONTRIBUTION IN AID OF CONSTRUCTION FEES SUPPORTING EXPANSION OF UTILITIES TO SERVE PLATTED LOTS WITHOUT UTILITY SERVICE. This item will be readvertised with an anticipated Toho Board meeting date of November 8, 2023.

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 SEPTEMBER 20, 2023.

Staff recommends the approval of the Board Meeting minutes from September 20, 2023. (Cost:None) (Smith)

7B. APPROVAL OF ADDENDUM #1 WITH THE LOW BID CMAR, GARNEY COMPANIES, INC., IN THE AMOUNT OF \$2,856,000 FOR THE CONSTRUCTION OF THE RANCH IRRIGATION FACILITY (IFB-23-168)

AND A CONTINGENCY OF \$285,000 FOR A TOTAL AUTHORIZATION OF \$3,141,000.

Staff recommends approval of Addendum #1 with Garney Companies, Inc. for the construction of the Ranch Irrigation Facility for a total not-to-exceed authorization of \$3,141,000 which includes a bid authorization of \$2,856,000.00 plus a \$285,000.00 contingency. Staff also requests Board authorization for the Executive Director/CEO to execute any documents as are necessary to expend such contingency up to the total not-to-exceed amount limit approved by the Board of Supervisors. In the event the cost exceeds this authorized limit, any additional project expenditures will be brought back to the Board of Supervisors for approval. (Cost: Bid amount of \$2,856,000 with a contingency of \$285,000 for a total-not-to-exceed request of \$3,141,000.) (Pelham)

7C. **PULLED**

7D. **APPROVAL OF A CONSTRUCTION MANAGER AT RISK (CMAR) AGREEMENT WITH WHARTON SMITH, INC. FOR THE SOUTH BERMUDA WATER RECLAMATION FACILITY 16 MGD EXPANSION PROJECT (IFB-23-174).**

Staff requests approval and execution of Toho's Construction Manager at Risk Agreement in the amount of \$4,377,198 for the South Bermuda WRF 16 MGD Expansion CMAR Services. (Cost: \$4,377,198 for CMAR Services) (Pelham)

7E. **APPROVAL OF THE SELECTION OF DEWBERRY ENGINEERS INC. TO PROVIDE ENGINEERING CONSULTING SERVICES FOR THE HURON WATER TREATMENT PLANT EXPANSION PROJECT.**

Staff recommends Board approval of the selection of Dewberry as the top ranked firm and authorization to initiate negotiation of an engineering consultant contract and scope of services with Dewberry for the Huron WTP Expansion Project. (Cost: None at this time. A scope of services and associated fee will be submitted to the Board for approval at a future meeting.) (Pelham)

7F. **APPROVAL OF ADDITIONAL PROJECT FUNDING OF \$200,000.00 FOR THE SR 600 RESURFACING UTILITY ADJUSTMENT PROJECT INCREASING THE TOTAL APPROVED FUNDING FROM \$539,800.00 TO \$739,800.**

The existing approved Board authorization is \$539,800. Staff requests approval of Change Order #1 to increase the total not-to-exceed authorization to \$739,800 based upon this change order of \$200,000.00. 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. (Cost for this request of \$200,000 with prior Approvals of \$539,800 for a total not to exceed cost of \$739,800.) (Pelham)

7G. **APPROVAL OF ADDITIONAL \$200,000 FUNDING FOR THE RANCH IRRIGATION SUPPLY WELL PROJECT, AND NOTIFICATION OF THE**

EXECUTION OF AN EMERGENCY \$98,000 PURCHASE FORM BY THE EXECUTIVE DIRECTOR/CEO FOR A CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH A.C. SCHULTES.

The existing approved Board authorization is \$1,279,600. Staff recommends approval of additional funding of \$200,000 to increase the total not-to-exceed authorization to \$1,479,600. Staff 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. (This Contingency Request of \$200,000 (Unforeseen Drilling Conditions), with the A.C. Schultes Contract for \$729,600 (Approved January 18, 2023) and Previous Contingency Requests for \$550,000 (Original request + Well pump), giving a total not to exceed Project Fund of \$1,479,600.) (Pelham)

- 7H. **APPROVAL OF A \$154,635 ENGINEERING SCOPE OF SERVICES AND CONTRACT ADDENDUM #2 WITH DEWBERRY ENGINEERS, INC. AND A \$24,000.00 DESIGN CONTINGENCY FOR DESIGN OF UTILITY REPLACEMENTS IN CONJUNCTION WITH THE CONNECT KISSIMMEE COMPLETE STREETS PROJECT PHASE 1. THE REQUEST INCREASES THE PROJECT FUNDING BY \$178,635 FOR A TOTAL OF \$258,635.**

Staff recommends approval of the Contract Addendum #2 for the Scope of Engineering Services with Dewberry Engineers, Inc. in the amount of \$154,635, and a design contingency of \$24,000, bringing the total approved work authorization to \$258,635. Staff further requests the Board to authorize the Executive Director/CEO to execute any such documents as a necessary to expend any contingency, up to the total not to exceed amount limit 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 Design Scope of Services Request of \$154,635 and a contingency of \$24,000 totalling this Request at \$178,635. Note: \$80,000 of Previously Approved Work Authorization makes a total-not-to-exceed Request of \$258,635.) (Pelham)

- 7I. **APPROVAL OF A \$382,103.48 ADDENDUM TO PURE TECHNOLOGIES PROFESSIONAL SERVICES CONTRACT TO PERFORM A CONDITION ASSESSMENT OF LS-116 (DYER BLVD) WASTEWATER FORCE MAIN.**

Staff requests approval of a total not-to-exceed authorization of \$382,103.48. (Cost: \$382,103.48. Contingency funds are not being requested.) (Pelham)

- 7J. **REQUESTED BOARD DELEGATION TO THE EXECUTIVE DIRECTOR/CEO AUTHORITY TO EXECUTE A UTILITY WORK BY HIGHWAY CONTRACTOR (UWHC) AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTION (FDOT) FOR THE KISSIMMEE PARK ROAD INTERCHANGE IMPROVEMENTS, TURNPIKE WIDENING AND NEW NOLTE ROAD INTERCHANGE DESIGN/BUILD PROJECT.**

Staff recommends the Board authorize the Executive Director/CEO to negotiate and execute the Utility Work by Highway Contractor Agreement with the Florida Department of Transportation for the Kissimmee Park Road Interchange Improvements, Turnpike Widening, and New Nolte Road Interchange Design/Build Project. (Cost: There is no cost to Toho with this Agreement at this time.) (Pelham)

- 7K. **APPROVAL OF A \$463,046.32 FINAL QUANTITIES ADJUSTMENT CHANGE ORDER (CO) WITH POSPIECH CONTRACTING FOR POINCIANA VILLAGE 7, NEIGHBORHOOD 2 WEST UTILITIES EXTENSION PROJECT. THE REQUEST INCREASES THE APPROVED PROJECT FUNDING BY \$152,174.05 FOR A TOTAL OF \$4,590,817.05 (AVAILABLE CONTINGENCY IS USED FOR THE DIFFERENCE IN THE CO AND ADDITIONAL FUNDING INCREASE). (IFB-21-088).**

The existing approved Board authorization is \$4,438,643.00. Staff requests approval of an additional funding request of \$152,174.05 to increase the total not-to-exceed authorization to \$4,590,817.05. Staff further requests the Board execute the \$463,046.32 final quantities adjustment change order based upon available remaining contingency of \$310,872.27 and the additional funding request of \$152,174.05. (Cost: Previously encumbered \$4127,770.73 plus this request for \$436,046.32 for a total of \$4,590,817.05.) (Pelham)

- 7L. **APPROVAL OF THE FIRST AMENDMENT WITH ATLANTIC PIPE SERVICES LLC, FOR CONTINUING GRAVITY SEWER CLEANING AND INSPECTION SERVICES. THE AMENDMENT EXTENDS THE CONTRACT FOR TWO YEARS.**

Staff recommends approval of the first amendment to the agreement with Atlantic Pipe Services LLC which will extend the contract to 10-13-2025. (Cost: No additional funds are requested.) (Pelham)

- 7M. **APPROVAL OF A \$630,403.35 CHANGE ORDER #2 AND AN ADDITIONAL CONTINGENCY OF \$60,000.00 WITH SANPIK, INC. FOR THE LIFT STATION (LS) 35 PHASE 2 GRAVITY SEWER REHABILITATION PROJECT, INCREASING THE APPROVED PROJECT FUNDING OF \$7,166,132.00 TO \$7,856,715.35.**

The existing approved Board authorization is \$7,166,132.00. Staff requests approval of Change Order #2 and additional contingency to increase the total not-to-exceed authorization to \$7,856,715.35. This request includes a base change order amount of \$630,403.35 plus contingency of \$60,000.00. Staff further 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 contract amount approved by the Board. (Cost: This request of \$630,403.35 and contingency of \$60,000.00 totalling \$690,403.35 with the previously approved: \$7,166,312.00 giving a total not-to-exceed project funding of \$7,856,715.35.) (Pelham)

- 7N. **APPROVAL TO EXTEND NATIONAL METERING CONTRACT TO SUPPORT MTU INSTALLATION AND MANUAL METER READS.**

Staff recommends approval of the Third Amendment to the Agreement with National Metering Services, Inc. for meter transmission unit exchanges, meter set installations, and manual meter reads. (Cost: \$496,570 for the additional services with a total award amount not-to-exceed \$2,445,570 for the term of the Agreement.) (Torbert)

7O. APPROVAL OF A \$37,646.26 REUSE MAIN UPSIZING REIMBURSEMENT REQUEST FROM NARCOOSSEE LAND TRUST FOR UPSIZING AN EIGHT INCH REUSE MAIN TO 16 INCH IN THE TOHO EAST SERVICE AREA.

Staff requests approval of a total not-to-exceed reimbursement authorization of \$37,646.26 to Narcoossee Land Trust. (Cost: Total cost is \$37,646.26.) (Pelham)

7P. APPROVAL OF A \$396,774.52 CONSTRUCTION CONTRACT AWARD TO SANPIK, INC. FOR THE FLORIDA PLAZA BYPASS CONSTRUCTION AND A \$39,000 CONSTRUCTION CONTINGENCY.

Staff requests approval of a total not-to-exceed authorization of \$435,774.52 which includes a base authorization amount of \$396,774.52 plus a \$39,000 contingency. Staff further requests authorization for the Executive Director/CEO to execute any such documents as 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: \$396,774.52 and a \$39,000 construction contingency for a total not to exceed amount of \$435,774.52.) (Fogarty)

8. Informational presentations: None

9. Unfinished business: None

10. New business:

10A. BOARD INPUT ON THE EXECUTIVE DIRECTOR AND GENERAL COUNSEL ANNUAL REVIEWS.

Board discussion regarding performance reviews for the Executive Director and General Counsel and direction regarding annual compensation and/or contract adjustments. (Cost: None.) (Smith)

11. Staff reports:

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

No action required by the Board. For Information Only. (Cost: None.) (Henderson)

11B. TOHO ASSISTANCE PROGRAM (TAP) FY23 4th 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. **GRAVITY SEWER, FORCE MAIN, AND WATER MAIN EMERGENCY REPAIR STATUS.**

No action required by the Board. For Information Only. (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.) (Fogarty)

11D. **COMMUNICATIONS QUARTERLY REPORT FOR JULY-SEPTEMBER 2023.**

No action required by the Board. For Information Only. (Cost: None.) (Floer)

12. Comments:

Board Officials
Executive Director
General Counsel

13. Upcoming events:

October

Disability Awareness Month

Cybersecurity Month

Imagine A Day Without Water Oct. 19 10/19/2023

PinktoberFest Oct. 21 Lakefront Park, St. Cloud

Health Fair Oct. 27 Osceola Council on Aging, 10/27/2023

Kissimmee

Boo on Broadway Oct. 27 Downtown Kissimmee 10/27/2023

Tohoversary/Halloween

November

Native American Heritage Month

Pioneer Day 11/4/2023

Great Outdoors Day 11/4/2023

Standard Time 11/5/2023

Election Day 11/7/2023