



Toho Water Board of Supervisors' Meeting

Date and Time: Wednesday, November 8, 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:** 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 OCTOBER 11, 2023**
Staff recommends the approval of the Board Meeting minutes from October 11, 2023. (Cost: None.)(Smith)
- 7B. **APPROVAL OF THE TOHO BOARD MEETING SCHEDULE FOR 2024 and WORKSHOP SCHEDULE FOR 2024**
Staff recommends approval of the meeting schedule resolution; Resolution 2023-011. (Cost: None.)(Smith)
- 7C. Pulled
- 7D. **APPROVAL OF A \$282,592.00 DESIGN SCOPE OF SERVICES AND \$20,000.00 CONTINGENCY WITH ARCADIS U.S., INC. FOR THE LAVON AVENUE WATER MAIN REPLACEMENT AND UPGRADE PROJECT**
Staff requests approval of a total not-to-exceed authorization of \$302,592.00 which includes a base authorization amount of \$282,592.00 plus a \$20,000 contingency. Staff requests authorization for the Executive Director to execute any such documents as are necessary to expend any contingency provided that the total contract and contingency expenditures remain within the total not-to-exceed contract and contingency limit approved by the Board. (Cost: This Request for Design Scope of Services for \$282,592 and requested Contingency of 20,000 for a total this request of \$302,592.)(Smart)
- 7E. **APPROVAL OF A \$293,235.00 DESIGN SCOPE OF SERVICES AND \$20,000.00 CONTINGENCY WITH ARCADIS U.S., INC. FOR DESIGN OF**

THE LIFT STATION 30 FORCE MAIN REPLACEMENT AND UPGRADE PROJECT

Staff requests approval of a total not-to-exceed authorization of \$313,235.00, which includes a base authorization amount of \$293,235.00, plus a \$20,000 contingency. 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 for Design Scope of Services for \$293,235 and a requested Contingency of \$20,000 for a total this Request of \$313,235.) (Sanchez)

7F. **APPROVAL OF A \$89,120.00 ADDITIONAL DESIGN SCOPE ADDENDUM #2 FOR THE ST. CLOUD UNIDIRECTIONAL FLUSHING PHASE II PROJECT WITH CHA CONSULTING, INC., PLUS AN ADDITIONAL \$30,000.00 CONTINGENCY INCREASING THE TOTAL BOARD AUTHORIZATION FROM \$193,540.00 TO \$312,660.00**

The Executive Director/CEO existing approved authorization is \$193,540.00. Staff requests approval of this addendum to increase the total not-to-exceed authorization to \$312,660.00, based upon this addendum of \$89,120.00. This addendum includes a base authorization of \$89,120.00 plus \$30,000 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 and contingency expenditures remain within the total not-to-exceed contract and contingency limit approved by the Board. **(Cost: This request of Additional Design Fee (Addendum #2) of \$89,120 and contingency of \$30,000 for a total this Request of \$119,120. Previously Approved Design cost of \$193,540 without Contingency, making a total Project Funding of \$312,660.) (Smart)**

7G. **APPROVAL OF AUTHORIZATION FOR THE EXECUTIVE DIRECTOR/CEO TO NEGOTIATE AND APPROVE AN INTERLOCAL AGREEMENT (ILA) BETWEEN TOHO WATER AUTHORITY AND THE CITY OF ST. CLOUD FOR THE ST. CLOUD SIDEWALKS IMPROVEMENTS PROJECT INCLUDING \$200,000.00 OF FUNDING. THE BOARD IS ALSO REQUESTED TO APPROVE A CONTINGENCY OF \$50,000.00 NOT INCLUDED IN THE ILA AND DELEGATED TO THE EXECUTIVE DIRECTOR/CEO TO EXPEND UP TO THE APPROVED LIMIT.**

Staff requests the Board to authorize the Executive Director/CEO to negotiate and approve an Interlocal Agreement between the Toho Water Authority and the City of St. Cloud for the St. Cloud Sidewalks Improvement project for a total not to exceed amount of \$200,000.00. Staff further requests an additional contingency of \$50,000 delegated to the Executive Director/CEO and delegation for the Executive Director/CEO to execute ILA amendments up to the not-to-exceed additional contingency approved by the Board. In addition, 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 and contingency expenditures remain within the total not-to-exceed contract

and contingency limit approved by the Board. (Cost: This Request for ILA of \$200,000 with additional Contingency of \$50,000 for a total this Request of \$250,000.)(Denzler)

7H. **APPROVAL OF \$1,501,309.53 FOR CHANGE ORDERS #3 & #4 WITH SANPIK, INC. AND AN ADDITIONAL CONTINGENCY OF \$150,000.00 FOR THE LIFT STATION (LS) 18 SCOTTS BLVD. GRAVITY SEWER REHABILITATION PROJECT, INCREASING THE APPROVED PROJECT FUNDING OF \$8,786,623.50 TO \$10,437,933.03.**

The existing approved Board Authorization is \$8,786,623.50. Staff requests approval of Change Order #3 & #4 and an additional contingency to increase the total not-to-exceed authorization to \$10,437,933.03. This request includes a base change order amount of \$1,501,309.53 plus contingency of \$150,000. 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 and contingency expenditures remain within the total not-to-exceed contract and contingency limit approved by the Board. (Cost: This request: Construction change orders of \$1,501,309.53 with a Contingency of \$150,000.00 making a Total This Request of \$1,651,309.53. Previously approved amount of \$8,786,623.50 making a Total requested project funding of \$10,437,933.03.) (Shields)

7I. **APPROVAL OF AUTHORIZATION OF THE EXECUTIVE DIRECTOR/CEO TO NEGOTIATE AND APPROVE AN INTERLOCAL AGREEMENT (ILA) BETWEEN TOHO WATER AUTHORITY AND OSCEOLA COUNTY FOR THE MARIGOLD AVENUE SAFETY IMPROVEMENTS UTILITY RELOCATIONS PROJECT INCLUDING \$1,023,000.00 OF FUNDING**

Staff requests the Board to delegate authorization for the Executive Director/CEO to negotiate and execute an Interlocal Agreement between the Toho Water Authority and the Marigold Avenue Safety Improvements Utility Relocations project for a total not to exceed amount of \$1,023,000. 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 and contingency expenditures remain within the total not-to-exceed contract and contingency limit approved by the Board. (Cost: \$930,000 of Construction Estimate and \$93,000 this Requested Contingency, for a total this Request of \$1,023,000.) (Lamboy)

7J. **APPROVAL OF A \$691,281.17 REIMBURSEMENT TO BIG SKY LAND LLC FOR A REUSE MAIN CONSTRUCTED WITH THE MURRELL – BIG SKY DEVELOPMENT.**

Staff requests approval of a reimbursement of \$691,281.17. Staff requests the Board delegate to the Executive Director/CEO authority to negotiate and execute a reimbursement agreement up to the not-to-exceed Board approved reimbursement. (Cost: The reimbursement is \$691,281.17.) (Clough)

- 7K. **APPROVAL OF A \$458,328 ADDITIONAL DESIGN SCOPE, ADDENDUM #18, FOR THE TOHO RESERVOIR SURFACE WATER TREATMENT FACILITY WITH WSP USA INCREASING THE TOTAL BOARD AUTHORIZATION FROM \$5,219,708 TO \$5,678,036.**
Staff requests Board approval of the attach scope of services and addendum for the Agreement with WSP for the additional design scope of \$458,328 to increase the cumulative authorized funding by \$458,328 for a total not-to-exceed amount of \$5,678,036. Staff further requests Board to authorize the Executive Director/CEO to execute any addendum or other such documents with WSP as necessary to expend such allowance and contingency up to the total not-to-exceed amount limit of \$5,678,036 approved by the Board. (Cost: This request for Additional Design Fee of \$458,328 and previously approved Design fee of \$4,899,708 with Contingency of \$320,000 making a previous total of \$5,219,708. This amounts to a Total Project Funding of \$5,219,708. The scope will be funded by an approved capital budget, project number 113032.) (Pang)
- 7L. **APPROVAL OF \$908,000 CONTRACT WITH ENVIROWASTE SERVICES GROUP, INC. FOR CLEANING THE CAMELOT WATER RECLAMATION FACILITY FLOW EQUALIZATION BASIN AND A \$100,000 CLEANING CONTINGENCY**
Staff requests approval of a total not-to-exceed authorization of \$ 1,008,000.00, which includes a base authorization of \$908,000.00 plus \$100,000 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. (Cost: This request of Bid \$908,000 and Contingency of \$100,000 for a Total This Request of \$1,008,000.) (Forson)
- 7M. **APPROVAL OF THE DEVELOPERS SERVICE AGREEMENT WITH ABIDING APARTMENTS LLC FOR THE KISSIMMEE RESIDENTIAL JOHN YOUNG PARKWAY PROJECT**
Staff recommends approval of the Kissimmee Residential John Young Parkway Developer's Service Agreement. (Cost: None) (Vargas)
- 7N. **APPROVAL OF THE DEVELOPERS SERVICE AGREEMENT WITH EGL SUNRISE ORLANDO FOR THE LANTOWER APARTMENTS PROJECT**
Staff recommends approval of the Lantower Apartments Developer's Service Agreement. (Cost: None) (Vargas)
- 7O. **APPROVAL OF THE NEOCITY ACADEMY HOLD HARMLESS AGREEMENT**
Staff recommends the Board sign the Hold Harmless Agreement for Neocity Academy. (Cost: None) (Vargas)
- 7P. **APPROVAL TO PIGGYBACK TECHNOLOGY CATALOG SOLUTIONS AGREEMENT BETWEEN SOURCEWELL AND SHI INTERNATIONAL CORP (CONTRACT #081419-SHI) FOR MICROSOFT 365 ENTERPRISE AGREEMENT RENEWAL (PBA-24-025)**

Staff recommends approval to renew the Enterprise Agreement with Microsoft through the Source well Technology Catalog Solutions contract with SHI International Corp. Staff further requests a 20% 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: \$375,073.68 plus 20% contingency in the amount of \$75,014.74 totaling \$450,088.42 annually for a total not-to-exceed amount of \$1,350,265.25 for the three-year term of the Agreement. The funding source of the project is through 421-6120-536-63-00 Capital Outlay Infrastructure.) (Aviles)

7Q. APPROVAL OF A \$300,604.00 DESIGN SCOPE OF SERVICES AND \$20,000.00 CONTINGENCY WITH PLUMMER ASSOCIATES, INC. FOR THE ST. CLOUD DOWNTOWN WATERMAIN REPLACEMENTS PROJECT

Staff requests approval of a total not-to-exceed authorization of \$300,604.00 which includes a base authorization amount of \$320,604.00, plus a \$20,000 contingency. 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 and contingency expenditures remain within the total not-to-exceed contract and contingency limit approved by the Board. (Cost: This Request for Design Scope Services of \$300,604 and requested Contingency of \$20,000 for a Total This Request of \$320,604.) (Smart)

7R. AUTHORIZATION OF THE CEO TO NEGOTIATE AND EXECUTE A \$681,002 CONSTRUCTION MANAGER AT RISK PRECONSTRUCTION SERVICES AGREEMENT WITH WHARTON SMITH, INC., AND A \$68,998 CONTINGENCY FOR A TOTAL AUTHORIZATION OF \$750,000 FOR THE CYPRESS LAKE ALTERNATIVE WATER SUPPLY PROJECT

Staff recommends the Board delegate to the CEO negotiation and execution of the CMAR Preconstruction Services Agreement for a total not-to-exceed authorization of \$750,000 which includes a bid authorization of \$681,002 plus a \$68,988 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 and contingency expenditures remain within the total not-to-exceed contract and contingency limit approved by the Board. (Cost: Bid Cost of Preconstruction Services for \$ 681,002 and Contingency of \$68,988 for a Total Cost of \$ 750,000.) (Beatty)

7S. APPROVAL OF ADDITIONAL \$300,000 FUNDING FOR THE ST CLOUD WATER TREATMENT PLANT (WTP)#4 MODIFICATIONS TO INCORPORATE RENTAL FILTERS IN THE TREATMENT PROCESS IMPROVING WATER QUALITY TO CUSTOMERS AND DELEGATE TO THE EXECUTIVE DIRECTOR/CEO AUTHORITY TO EXPEND THE APPROVED FUNDS

Existing approved Board and Executive Director/CEO authorization is \$4,986,571. Staff requests approval of \$300,000 additional funding to increase the total not-to-exceed authorization to \$5,286,571. Staff further

requests authorization for the Executive Director/CEO to execute any such documents as are necessary to expend the additional Board approved funds provided that the total contract and additional fund expenditures remain within the total not-to-exceed limit approved by the Board. (Cost: This Request for \$300,000 and Previous Requests of :

7S	11/9/2022	\$ 3,113,312
7N	3/8/2023	\$ 900,000
7V	4/12/2023	\$ 120,000
7T	4/12/2023	\$ 300,000
7P	5/10/2023	\$ 200,000
7R	9/20/2023	\$ 210,000
Emergency approval CEO		\$ 143,259

For a Total Approved funding of \$4,986,571.) (Pelham)

7T. APPROVAL OF THE FIRST AMENDMENT TO THE AGREEMENT WITH BROWNIES, ENVIROWASTE, AND T. WAYNE HILL FOR VACUUM, PUMPER, AND TANKER TRUCK SERVICES WITH AGREEMENT NO. (IFB-20-134)

Staff recommends approval of the First Amendment to the Agreement for Vacuum, Pumper, and Tanker Truck services with Brownies Septic and Plumbing, Envirowaste Services Group, and T. Wayne Hill Trucking. We are also requesting that authorization be delegated to the Executive Director/CEO to execute any such documents as are necessary to expend funds up to the total not-to-exceed amount limit approved by the Board. (Cost: Staff is requesting an additional \$3,000,000.00, for a total cumulative not-to-exceed amount of \$6,000,000.00 for Brownies Septic and Plumbing, Envirowaste Services Group, and T. Wayne Hill Trucking for the term of the Agreement ending on November 23, 2025.) (Nunez/Jensen)

7U. APPROVAL OF THE FIRST AMENDMENT TO THE AGREEMENT WITH POLYDYNE, INC. FOR THE SUPPLY AND DELIVERY OF POLYMER (IFB-21-062)

Staff recommends approval of the First Amendment to the Agreement with Polydyne, Inc. for the supply and delivery of polymer. We are also requesting that authorization be delegated to the Executive Director/CEO to execute any such documents as are necessary to expend funds up to the total not-to-exceed amount limit approved by the Board. (Cost: Staff is requesting an additional \$1,350,000.00 for a total not-to-exceed amount of \$3,765,000.00 for the term of the Agreement ending on August 10, 2024.) (Nunez/Jensen)

7V. APPROVAL OF A \$469,157.07 REIMBURSEMENT REQUEST FROM PULTE HOMES CORPORATION FOR THE TYSON PROPERTY WATER AND REUSE MAIN UPSIZINGS

Staff requests the Board approve the reimbursement of \$469,157.07. Staff further requests the Board delegate to the Executive Director/CEO

authority to negotiate and execute a reimbursement agreement for the not-to-exceed Board approved reimbursement amount. (Cost: The total reimbursement is \$469,157.07) (Clough)

- 7W. **APPROVAL OF THE THIRD AMENDMENT TO AGREEMENT TO PIGGYBACK MANATEE COUNTY AGREEMENT WITH PACE ANALYTICAL SERVICES, LLC. TO PURCHASE SUPPLEMENTAL LABORATORY SAMPLING AND ANALYSIS SERVICES (PBA-22-029)**
Staff recommends approval of the Third Amendment to the PBA-22-029 Agreement with Pace Analytical Services, LLC for the supplemental laboratory services. (Cost: Additional \$284,500 for a total not to exceed amount of \$929,500 for the term of the Agreement.) (Weber)

- 7X. **APPROVAL OF SIXTH 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 Sixth Amendment to the Agreement with Quality Lawn Services Unlimited, Inc. for the Lawn Maintenance Services for Wastewater Plants. We are also requesting that authorization be delegated to the Executive Director/CEO to execute any such documents as are necessary to expend funds up to the total not-to-exceed amount limit approved by the Board. (Cost: An additional \$9,576.00 for a total cumulative not-to-exceed amount of \$1,914,576.00 with Quality Lawn Services Unlimited, Inc. for the term of the Agreement.) (Nunez)

- 7Y. **APPROVAL OF THE SECOND AMENDMENT TO THE AGREEMENT FOR THE SUPPLY AND DELIVERY OF SULFURIC ACID WITH BRENNTAG MID-SOUTH (IFB-20-159)**
Staff recommends approval of the Second Amendment to the Agreement for sulfuric acid under Agreement IFB-20-159. We are also requesting that authorization be delegated to the Executive Director/CEO to execute any such documents as are necessary to expend funds up to the total not-to-exceed amount limit approved by the Board. (Cost: An additional \$550,000.00, for sulfuric acid delivery with Brenntag – Mid South, Inc. for a total cumulative not-to-exceed amount of \$790,000.00 for the term of the Agreement ending on November 30, 2025.) (Nunez/Jensen)

- 7Z. **APPROVAL OF ADDITIONAL ENGINEERING SERVICES REQUIRED BY TETRA TECH FOR THE CR 532 UTILITY IMPROVEMENTS PROJECT INCREASING THE BOARD APPROVED PROJECT FUNDING BY \$80,549.00 FOR A TOTAL OF \$663,228.00.**
The existing approved Board authorization is \$582,679.00, which includes a base authorization of \$532,679.00 plus a contingency of \$50,000.00. Staff requests approval of this addendum of \$80,549.00 to increase the total not-to-exceed authorization to \$663,228.00. 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: Previously approved funding for Design

of \$532,679 and Contingency of \$50,000 plus this New Request of \$80,549 making a Total Request of \$663,228.) (Lamboy)

7AA. APPROVAL OF RECRUITING FIRM(S) TO PROVIDE CONTINUING RECRUITING SERVICES (RFP-23-148)

The selection committee recommends that the Board delegate the authority to the CEO/Executive Director to execute the agreement with each firm and issue purchase authorizations to each firm for an amount not to exceed the annual purchasing authority of the CEO/Executive Director. (Cost: None) (Mann)

7AB. APPROVAL OF STAFF'S RECOMMENDATION TO UTILIZE STANTEC CONSULTING SERVICES INC. TO BE COMPLIANT WITH THE LEAD AND COPPER RULE REVISIONS.

Staff recommends the Board approve the contract for Lead and Copper Rule Revision Compliance to Stantec Consulting Services, Inc., October 20, 2023. (Cost: Total Costs of \$890,484) (Cudahy)

7AC. FDEP CONSENT ORDER FOR CAMELOT WRF

Authorize the Executive Director and General Counsel to complete negotiation of the Consent Order (OGG File # 23-1319) and authorize the Executive Director to sign the Consent Order after consultation with the Chairman of the Board of Supervisor and the General Council and execute payments for the civil penalties and the P2 project(s) as required by the Consent Order. (Cost: Approximately \$5,030, however, the actual value may vary based upon the actual cost of a P2 Project yet to be approved by FDEP.) (Cudahy)

8. Informational presentations:

8A. QUARTERLY INVESTMENT REPORT BY PFM GROUP – QUARTER ENDING SEPTEMBER 30, 2023

For information only. No action required by Board. (Cost: None) (Henderson)

9. Unfinished business:

9A. MULTI-DISTRICT LITIGATION NO. 2873 RELATING TO POTENTIAL PFAS CONTAMINATION IN PUBLIC WATER SYSTEMS' DRINKING WATER

To be discussed at the Board meeting. (Cost: None) (Cotter)

10. New business:

10A. PROPOSED CHANGES TO TOHO'S POSITION CLASSIFICATION PROGRAM

Staff requests Board approval to implement the above changes to Toho's classification and confirm the Executive Director / CEO's authority to implement the program, reclassify positions within the total authorized position count approved by the Board, and make other targeted equity-based pay adjustments as may be necessary throughout the fiscal year as

part of the overall operating budget. (Cost: Estimated FY24 cost of \$627,174 funded by budgeted payroll funds, \$59,964 funded within capital project accounts, and \$111,763 funded by budgeted overtime costs.) (Rentz/Swingle)

11. **Staff reports:**

11A. **REQUIRED COMMUNICATION BY THE INDEPENDENT AUDITORS**

For information only. No action required by Board. (Cost: None)
(Henderson)

11B. **WATER CONSERVATION 4TH QTR FISCAL YEAR 2023**

For information only. No action required by Board. (Cost: None) (Tilley)

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

For information only. No action required by Board. (Cost: None) (Pelham)

12. **Comments:**

Board Officials
Executive Director
General Counsel

13. **Upcoming events:**

November

Native American Heritage Month	11/1/2023
Veterans Day (observed)	11/10/2023
Veterans Day Parade	11/11/2023
Diwali	11/12/2023
GIS Day	11/15/2023
World Toilet Day	11/19/2023
Thanksgiving (observed)	11/23-24/2023

December

World AIDS Day	12/1/2023
St. Cloud Christmas Parade	12/2/2023
World Water Loss Day	12/4/2023
Pearl Harbor Day	12/7/2023
Hanukkah (begins)	12/7/2023
Kissimmee Festival of Lights Christmas Parade	12/9/2023