



## **Toho Water Board of Supervisors' Meeting**

**Date and Time: Wednesday, January 17, 2024 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](mailto: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:**
5. **Public Hearing:**
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 DECEMBER 13, 2023**

Staff recommends the approval of the Board Meeting minutes from December 13, 2023. (Cost: None.) (Smith)

7B. **APPROVAL OF INTERLOCAL AGREEMENT WITH CITY OF ST. CLOUD, FLORIDA PERTAINING TO PAYMENT, PERFORMANCE AND MAINTENANCE BOND REQUIREMENTS**

Staff recommends the Board approve and execute the Interlocal Agreement with the City of St. Cloud, Florida pertaining to Payment, Performance, and Maintenance Bond Requirements. (Cost: None.) (Cotter)

7C. **APPROVAL OF A \$1,862,635 ADDENDUM WITH HAZEN AND SAWYER FOR THE SUNBRIDGE WATER TREATMENT PLANT (WTP) UPGRADE AND EXPANSION PROJECT INCREASING THE TOTAL BOARD AUTHORIZATION FROM \$4,071,401 TO \$5,934,036 (INCLUDES ST. CLOUD WTP#4 INITIAL EVALUATION AUTHORIZATIONS)**

The existing approved Board authorization is \$4,071,401, including St. Cloud WTP#4 Water Quality and Facility Reliability Improvements. Staff requests approval to increase the total not-to-exceed authorization of \$5,934,036 based on this addendum of \$1,862,635. This request includes a base authorization of \$1,862,635 and no additional 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 for Construction Administration and Additional Design Services of \$1,862,635 with NO Contingency requested, and the Previous

Request for Initial & Final Design Scope of \$2,965,593 with St. Cloud WTP#4 of \$905,808 and Available Contingency of \$200,000 making a Total Previously Approved Contract funding of \$4,071,401 and Total Contract Funding Request of \$5,934,036. The scope will be funded by an approved capital budget, project number: 122058.) (Pelham)

- 7D. **APPROVAL TO AUTHORIZE THE EXECUTIVE DIRECTOR/CEO TO NEGOTIATE AND APPROVE A UTILITY WORK BY HIGHWAY CONTRACTOR (UWHC) AGREEMENT BETWEEN TOHO WATER AUTHORITY AND THE FLORIDA TURNPIKE ENTERPRISE FOR THE TURNPIKE IMPROVEMENT PROJECT (PN#436194-1-52-01 SR 91 - PARTIN SETTLEMENT ROAD TO OSCEOLA PARKWAY) INCLUDING UP TO \$4,600,000 IN FUNDING FOR TOHO'S UTILITY RELOCATES PLUS A TOHO CONTINGENCY OF \$230,000 FOR A TOTAL FUNDING OF \$4,830,000**

Staff requests the Board to authorize the Executive Director/CEO to negotiate and approve a Utility Work by Highway Contractor Agreement between the Toho Water Authority and the FDOT Florida Turnpike Enterprise for the Turnpike Improvement Project for a total not to exceed amount of \$4,830,000. Staff further requests authorization for the Executive Director/CEO to execute any such documents as are necessary to expend any TOHO 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: Utility Work by Highway Contractor for \$4,600,000 and TOHO contingency (5%) of \$230,000 at a total this request of \$4,830,000.) (Pelham)

- 7E. **APPROVAL OF THE RANKING OF FIRMS AND THE SELECTION OF THE TOP RANKED FIRM OF HAZEN AND SAWYER TO PROVIDE CONSULTING SERVICES FOR THE DESIGN, PERMITTING, BIDDING, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE FRIARS COVE WATER MAIN EXTENSION PROJECT [RFQU-24-001]**

Staff recommends the Board approve the ranking of the firms and the selection of Hazen and Sawyer as the top ranked firm for the Friars Cove Water Main Extension 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.) (Eversole)

- 7F. **APPROVAL OF THE RANKING OF FIRMS AND THE SELECTION OF THE TOP RANKED FIRM DEWBERRY ENGINEERS INC. TO PROVIDE CONSULTING SERVICES FOR THE DESIGN, PERMITTING, BIDDING, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE KINDRED REUSE MAIN EXTENSION PROJECT [RFQU-23-014]**

Staff recommends the Board approve the ranking of the firms and the selection of Dewberry as the top ranked firm. Staff further recommends the Board authorize staff to initiate contract and scope of services negotiations with Dewberry. If a contract and scope of services negotiation with Dewberry cannot be concluded to staff's satisfaction, staff requests authorization to initiate negotiations with the second ranked firm, Boyd Civil Engineering, Inc. (Cost: None at this time. A scope of services and

associated fee will be submitted to the Board for approval at a future meeting.) (Eversole)

7G. **APPROVAL TO AUTHORIZE THE CEO/EXECUTIVE DIRECTOR TO APPROVE AND EXECUTE A NOT TO EXCEED \$4,972,832 ADDENDUM (INCLUDING AN OWNER'S CONTINGENCY OF \$236,800) TO THE CMAR CONTRACT WITH WHARTON SMITH FOR SOUTH BERMUDA WATER RECLAMATION FACILITY (WRF) 16 MGD EXPANSION PROJECT (IFB-23-174) INCREASING THE TOTAL BOARD AUTHORIZATION TO \$9,350,030**

The existing approved Board authorization is \$4,377,198. Staff requests approval of this authorization to increase the total not-to-exceed authorization to \$9,350,030, based upon this not to exceed \$4,972,832 addendum. Staff further requests delegation to the Executive Director/CEO to approve and execute the addendum up to the total not to exceed amount limit of \$4,972,832 approved by the Board. (Cost: This Request (Addendum PRO.IFB23-174.WHA.1.0) for equipment pre-purchase of \$4,972,832 with the previously approved CMAR Services funds of \$4,377,198 making a Total Approved Project Funding of \$9,350,030.) (Zhou)

7H. **APPROVAL OF THE DEVELOPERS SERVICE AGREEMENT WITH NARCOOSSEE LAND VENTURES, LLC FOR THE TWIN LAKES OFFICE PROJECT**

Staff recommends approval of the Twin Lakes Office Developer's Service Agreement with Narcoossee Land Ventures, LLC. (Cost: There are no costs associated with this request.) (Clough)

7I. **APPROVAL OF THE RANKING OF FIRMS AND SELECTION OF THE TOP RANKED FIRM, HAZEN AND SAWYER, TO PROVIDE ENGINEERING CONSULTING SERVICES FOR THE LAKE MARION WATER RECLAMATION FACILITY UPGRADE TO ADVANCED WASTEWATER TREATMENT (RFQu-23-184)**

Staff recommends Board approval the ranking of the firms and the selection of Hazen and Sawyer as the top ranked firm. If a scope of services negotiation with Hazen and Sawyer cannot be concluded to staff's satisfaction, staff further requests authorization to begin negotiations with the second ranked firm, Black and Veatch. (Cost: None at this time. A scope of services and associated fee will be submitted to the Board for approval at a future meeting.) (Zhou)

7J. **APPROVAL OF A \$365,052 CONTRACT WITH DEWBERRY ENGINEERS INC. FOR THE HURON WATER TREATMENT PLANT (WTP) EXPANSION PRELIMINARY ENGINEERING CONSULTING SERVICES AND DISTRIBUTION SYSTEM IMPROVEMENTS PROJECT AND APPROVAL OF A \$40,000 CONTINGENCY**

Staff requests approval of a total not-to-exceed authorization of \$405,052 which includes a base authorization amount of \$365,052 plus a \$40,000 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 and contingency expenditures

remain within the total contract value and contingency limit approved by the Board. (Cost: This Request for Preliminary Design Phase Services of \$365,052 and Contingency of \$40,000 for a Total This Request of \$405,052. The project will be funded by an approved capital budget, project number: 424001.) (Chavez)

- 7K. **APPROVAL OF JANUARY – 2024 ASSET DISPOSAL**  
Staff recommends Board approval to dispose of the listed inventory items through donation, auction, disposal, or recycling. (Cost: None.) (Mzee)
- 7L. PULLED
- 7M. **APPROVAL OF FIFTH AMENDMENT TO PIGGYBACK THE AGREEMENT FOR INFORMATION TECHNOLOGY SOLUTIONS AND SERVICES WITH CDW GOVERNMENT LLC (PBA-18-091)**  
Staff recommends approval of the Fifth Amendment to the Agreement with CDW Government, LLC for Information Technology Solutions and Services. (Cost: An additional \$500,000 for a total amount of not-to-exceed \$1,535,000 for the term of the Agreement, which expires on February 25, 2025.) (Mann)
- 7N. **APPROVAL TO AUTHORIZE THE EXECUTIVE DIRECTOR/CEO TO NEGOTIATE AND APPROVE AN INTERLOCAL AGREEMENT BETWEEN TOHO WATER AUTHORITY AND OSCEOLA COUNTY FOR THE WESTSIDE BLVD EXTENSION PROJECT INCLUDING \$1,909,900 FOR 24 AND 30 INCH WATER MAIN EXTENSIONS AND FORCE MAIN RELOCATIONS**  
Staff requests the Board to delegate authorization for the Executive Director/CEO to negotiate and execute an Interlocal Agreement between Toho Water Authority and Osceola County for the Westside Blvd Extension for a total not to exceed amount of \$1,909,900. Staff further requests authorization for the Executive Director/CEO to execute any such documents as are necessary to expend any agreement funding 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 and Construction costs of \$ 1,746,700 and Contingency of \$163,200 for a Total This Request of \$1,909,900.) (Zhou)
- 7O. **APPROVAL OF A \$171,011 DESIGN CONTRACT ADDENDUM 3 WITH TETRA TECH FOR THE FLORIDA PLAZA FORCE MAIN DESIGN AND CONSTRUCTION SERVICES AND A \$20,000 CONTINGENCY INCREASING THE TOTAL PROJECT FUNDING FROM \$136,827 to \$327,838**  
The existing approved Board authorization is \$136,827. Staff requests approval of this addendum to increase the total not-to-exceed authorization to \$327,838 based on this addendum of \$171,011 plus a \$20,000 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: Previous Approved Request of \$136,827. Then this request for Addendum No. 3 for

\$191,001 and Contingency of \$20,000 making a Total Request of \$327,838.) (Pelham)

**8. Informational presentations:**

- 8A. **ASSETS & INFRASTRUCTURE MAJOR CAPITAL PROJECT UPDATES**  
No action required by the Board. For information only. (Cost: None.) (Doan)
- 8B. **ST. CLOUD WATER TREATMENT PLANT (WTP) #4, DISTRIBUTION SYSTEM, AND TOHO-ST. CLOUD TRANSITION UPDATES**  
No action required by the Board. For information only. (Cost: None.) (Pelham)

**9. Unfinished business:**

**10. New business:**

- 10A. PULLED
- 10B. **APPROVAL TO SEEK COURT ORDER – SAI GANESH, LLC., 7475 W. IRLO BRONSON MEMORIAL HIGHWAY, KISSIMMEE (002676031-000422090)**  
Staff requests the Board authorize the 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. Furthermore, staff requests the Board authorize the Executive Director, in consultation with the Board Chairman, and with the approval of the General Counsel, to enter into such settlement documents as are necessary to resolve this matter. (Cost: Attorney's fees and court costs.) (Cotter)
- 10C. **APPROVAL OF RESOLUTION 2024-001 ADOPTING TOHO'S FIRST AMENDMENT POLICY**  
Staff recommends approval of Resolution 2024-001 adopting Toho's Policy Regarding Public Access to Toho Property and Video and Audio Recording While on Toho Property. (Cost: No costs.) (Cotter)

**11. Staff reports:**

- 11A. **COMMUNICATIONS QUARTERLY REPORT FOR JULY-SEPTEMBER 2023**  
No action required by the Board. For information only. (Cost: None.) (Floer)
- 11B. **TOHO ASSISTANCE PROGRAM (TAP) FY24 1st QUARTER UPDATE**  
Continue to update the Board regarding TAP Program funding levels and administration. No action required by the Board. For information only. (Cost: None.) (Havey)
- 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.) (Pelham)

**12. Comments:**

Board Officials  
Executive Director  
General Counsel

**13. Upcoming events:**

**January**

Treasures of St. Cloud	1/19/2024
A Hero For Kids Gala	1/20/2024
Junior Achievement Inspire	1/23/2023

**February**

Black History Month	2/1-29/2024
Groundhog Day	2/2/2024
Annual Osceola Chamber Meeting	2/4/2024
Osceola County Fair	2/9-18/24
Lunar New Year	2/10/2024
Kissimmee 5K Sweet 16	2/10/2024
The Silver Spurs Riding Club Parade	2/10/2024
Monster Bulls	2/10/2024
International Day Women/ Girls in Science Day	2/11/2024
Valentine's Day	2/14/2024
Rodeo Day	2/16/2024
Silver Spurs Rodeo	2/16-18/2024
Engineers Week	2/18-24/2024