



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

**Date and Time: Wednesday, May 8, 2024 at 5:00PM**

### **Board Members and Executive Staff:**

Henry Thacker - Chair  
Rayelynn Ketchum - Vice Chair  
William "Bill" Land - Secretary  
Tom White - Supervisor  
John McAleenan – Supervisor  
Hector Lizasuain – 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:**
  - 4A. **PROCLAMATION RECOGNIZING WATER REUSE WEEK – MAY 19 – 25, 2024**  
Board approval of proclamation recognizing May 19 – May 25, 2023, as Water Reuse Week (Cost: None) (Floer)
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. **TOHO WATER AUTHORITY BOARD OF SUPERVISORS' REGULAR MEETING MINUTES OF APRIL 10, 2024**  
Staff recommends the approval of the Board Meeting minutes from April 10, 2024. (Cost: None) (Smith)
- 7B. **REQUEST APPROVAL FOR CFCW OPCO LLC CUSTOMER ADJUSTMENT**  
Staff recommend approval of the proposed CFCW OPCO LLC customer adjustment. (Cost: Total Credit Adjustment \$15,429.72) (Havey)
- 7C. **REQUEST APPROVAL FOR OMNI WASTE OF OSCEOLA CNTY LLC CUSTOMER ADJUSTMENT**  
Staff recommends approval of the proposed Omni Waste Of Osceola County LLC customer adjustment. (Cost: Total Credit Adjustment \$10,310.16) (Havey)
- 7D. **APPROVAL OF AN ADDITIONAL \$120,000 CONSTRUCTION CONTINGENCY FOR THE SUNBRIDGE REUSE SYSTEM TEMPORARY PUMP STATION PROJECT {IFB-22-128}. THIS REQUEST INCREASES THE BOARD AUTHORIZED FUNDING FROM \$825,000 TO \$945,000**  
The existing approved Board authorization is \$825,000. Staff requests approval of this \$120,000 contingency to increase the total not-to-exceed authorization to \$945,000. Staff requests authorization for the CEO/Executive Director 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: Prior Approvals of Construction Contract for \$765,000 and Construction Contingency 60,000 and This Request for Additional Contingency of \$120,000 for a Total Not to Exceed Total of \$945,000.) (Eversole)

- 7E. **APPROVAL OF A \$30,357,223 GUARANTEED MAXIMUM PRICE (GMP) ADDENDUM (INCLUDING AN OWNER'S CONTINGENCY OF \$1,442,681) WITH WHARTON SMITH FOR CONSTRUCTION OF THE SOUTH BERMUDA WATER RECLAMATION FACILITY (WRF) 14 to 16 MILLION GALLONS PER DAY EXPANSION PROJECT (IFB-23-174) INCREASING THE TOTAL BOARD AUTHORIZATION FROM \$9,350,030 TO \$39,707,253.**

The existing approved Board authorization is \$9,350,030. Staff requests approval of this addendum to increase the total not-to-exceed authorization to \$39,707,253, based upon this Addendum of \$30,357,223. (Cost: This Request (Addendum 2) for South Bermuda WRF Expansion GMP of \$30,357,223 and the previously approved Request for CMAR Services Contract for Expansion \$4,377,198 and Addendum 1 CMAR Equipment Pre-purchase of \$4,972,832 for a total Approved Project Funding of \$39,707,253.) (Zhou)

- 7F. **APPROVAL OF A DEVELOPER SERVICE AGREEMENT WITH EG CELEBRATION, LLC FOR THE CELEBRATION W 192 MEDICAL OFFICE PROJECT.**

The Board is requested to approve the Developer Service Agreement with EG Celebration, LLC. for the Celebration W 192 Office project. (Cost: None) (Martinz)

- 7G. PULLED

- 7H. **APPROVAL OF THE AGREEMENT WITH ROTOLO CONSULTANTS, INC. FOR LAWN MOWING SERVICES TO WATER AND WASTEWATER PLANTS- IFB-24-065**

Staff requests approval of the Agreement with Rotolo Consultants, Inc., (RCI) for the provision of lawn maintenance throughout Toho Water Authority. (Cost: \$ 1,600,000 for the term of the agreement) (C.Weber)

- 7I. **APPROVAL OF A \$439,120 HAZEN AND SAWYER CONSULTING SERVICES AGREEMENT AND A \$30,000 DESIGN CONTINGENCY TO PROVIDE PRELIMINARY ENGINEERING CONSULTING SERVICES FOR THE FRIARS COVE WATER MAIN PROJECT [RFQU-24-001]. THE TOTAL BOARD AUTHORIZATION REQUEST IS \$469,120.**

Staff requests approval of an engineering services agreement and scope of services with Hazen and Sawyer and a total not-to-exceed authorization of \$469,120 which includes a base authorization amount of \$439,120 plus a \$30,000 design contingency. Staff further requests authorization for the CEO/Executive Director to execute any such documents as necessary to expend any contingency provided that the total contract and contingency expenditures remain within the total not-to exceed limit approved by the

Board. (Cost: This request for Design Scope of Services of \$439,120 and Requested Contingency of \$30,000 for a Total This Request of \$469,120.) (Eversole)

7J. PULLED

7K. **APPROVAL OF AN ADDITIONAL \$359,064 REIMBURSEMENT PAYMENT IN SYSTEM DEVELOPMENT CREDITS TO LENNAR HOMES FOR A 24 INCH WATER MAIN EXTENSION ON WESTSIDE BLVD. DUE TO CONSTRUCTION COST INFLATION. THE REQUEST INCREASES THE BOARD AUTHORIZATION FROM \$646,396 TO \$1,035,443. THE BOARD IS ALSO REQUESTED TO DELEGATE TO THE EXECUTIVE DIRECTOR/CEO AUTHORIZATION TO NEGOTIATE AND EXECUTED A DEVELOPER SERVICE AGREEMENT AMENDMENT REIMBURSING THE DEVELOPER IN SYSTEM DEVELOPMENT CREDITS V.S. CASH.**  
The existing approved Board authorization is \$646,396.00. Staff requests approval of the additional payment increase, \$392,064, for a total not-to-exceed authorization to \$1,038,460 based upon the additional payment as System Development Credits. Staff also requested delegation to the Executive Director/CEO authority to negotiate and execute a DSA amendment to reimburse the developer the additional funding in System Development Credits. (Cost: This request for additional construction cost reimbursement of \$359,064 in addition to the previously approved \$646,396 giving a Total Costs of \$1,038,460. Note: Orange County will reimburse Toho approximately \$813,000 of the construction costs.) (Martinez)

7L. **APPROVAL OF MODIFICATIONS TO TOHO'S "BUILDER UTILITY LINE EXTENSION AGREEMENT" REQUIRED FOR DEVELOPER PARTICIPATION IN THE CONTRIBUTION IN AID OF CONSTRUCTION POLICY. THE POLICY PROMOTES EXTENSION OF UTILITIES TO EXISTING UNSERVED PLATTED LOTS.**  
The Board is requested to approve the changes to the Builder Utility Line Extension Agreement. (Cost: There are no cost impacts with the requested changes to the CIAC Agreement.) (Biron)

7M. PULLED

7N. **APPROVE A \$1,595,154.70 CONSULTANT SERVICES AGREEMENT AND SCOPE OF SERVICES WITH CHEN MOORE AND ASSOCIATES (CMA) FOR THE US 17-92 WATER TRANSMISSION PIPELINE PROJECT (RFQu-23-181) AND A \$150,000 CONTINGENCY FOR A TOTAL AUTHORIZATION OF \$1,745,154.70**  
Staff requests approval of the agreement and scope of services with Chen More and Associates and a total- not- to exceed authorization of \$1,745,154.70 which includes a base authorization amount of \$1,595,154.70 plus a \$150,000 contingency. Staff further requests authorization for the Executive Director/CEO to execute any such documents as necessary to expend the 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: Scope

of Services of \$1,595,154.70 and Contingency of \$150,000 for a Total Project Cost Request: \$1,745,154.70. Note: Approximately \$1,000,000 will be reimbursed by Orange and Polk Counties.) (Sanchez)

- 7O. **APPROVAL TO DELEGATE TO THE EXECUTIVE DIRECTOR/CEO AUTHORITY TO NEGOTIATE AND EXECUTE A \$907,990 CONSULTING FIRM AGREEMENT WITH DEWBERRY ENGINEERS INC. FOR THE FINAL DESIGN, PERMITTING, BIDDING, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE TOHO RESERVOIR REUSE MAIN EXTENSION PROJECT [RFQU-23-014]. THE BOARD IS ALSO REQUESTED TO APPROVE A \$50,000 DESIGN CONTINGENCY FOR A TOTAL AUTHORIZATION OF \$957,990.**

Staff requests delegation to the Executive Director/CEO authority to negotiate and execute a \$907,990 consulting firm agreement and a \$50,000 contingency for a total not-to-exceed authorization of \$957,990 which includes a base authorization amount of \$907,990 plus \$50,000 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 for Final Design Scope of Services of \$907,990 and the requested Contingency of \$50,000 for a Total This Request of \$957,990.) (Eversole)

- 7P. **APPROVAL OF THE FIRST AMENDMENT TO THE AGREEMENTS WITH DMD CONSULTANTS INC AND VULCAN CONSTRUCTION AND METAL WORKS, LLC (IFB-23-049)**

Staff recommends approval of the First Amendment to the Agreement, with DMD Consultants INC and Vulcan Construction and Metal Works, LLC for hydrant painting services through April 30, 2025 for a combined total not-to-exceed value of \$330,000 through the term of the agreement ending April 30, 2025. Staff is 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, including removal of the “per-contractor” not-to-exceed limits to grant staff more flexibility. Furthermore, staff requests delegated authority for the Executive Director/CEO to issue up to 3 additional 1-year renewals to this agreement provided that the annual expenditure remains at \$250,000 or below. (Cost: \$333,000 Total Not to Exceed for the term of the Agreement through April 30, 2025.) (C.Weber)

- 7Q. **WATER CONSERVATION EDUCATIONAL PROGRAM INTERLOCAL PARTNERSHIP**

Staff seek Board approval of the Interlocal Agreement along with the funding obligation of \$150,000 (\$50,000/year).(Cost: The shared cost of a 3-year commitment to the education of mutual customers in the Sunbridge area of the Toho service area is \$300,000. The funding source for Toho’s 50% portion of the project is: Professional Services 421-6010-536-31-00.)(Tilley)

**7R. REQUEST APPROVAL FOR 692 ARROW LANE CUSTOMER ADJUSTMENT**

Staff recommend approval of the proposed 692 Arrow Lane customer adjustment. (Cost: Total Credit Adjustment \$13,038.37) (Havey)

**8. Informational presentations:** None

**9. Unfinished business:** None

**10. New business:**

**10A. RESOLUTION RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM AUTHORIZING THE LOAN AGREEMENT AND ESTABLISHING PLEDGED REVENUES**

Staff and General Counsel recommends approval of Resolution 2024-005 to enter into a loan agreement for the Drinking Water State Revolving Fund Loan and pledges the required revenues to meet the loan debt service requirements. (Cost: No cost associated with this item but there is a pledge to provide revenues to meet the loan debt service requirements.) (Cudahy)

**11. Staff reports:**

**11A. WATER CONSERVATION 2ND QTR FISCAL YEAR 2024**

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

**11B. TOHO ASSISTANCE PROGRAM (TAP) FY24 2nd QUARTER UPDATE**

Continue to update the Board regarding TAP Program funding levels and administration. No action required by the Board. For information only. (Cost: Current budgeted assistance funding for FY24 is \$150,000 including Toho's portion of matching funds for customer donations.) (Havey)

**11C. INFRASTRUCTURE EMERGENCY REPAIR STATUS**

Information only. No action is required by the Board. (Cost: Report only; costs exceeding the Executive Director/CEO'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:**

Mother's Day	05/12/24
Armed Forces Day	05/18/24
FL Water Reuse Week	05/19/24
Memorial Day	05/27/24
D-Day	06/06/24