



Toho Water Board of Supervisors' Meeting

Date and Time: Wednesday, June 12, 2024 at 5:00PM

Board Members and Executive Staff:

Henry Thacker - Chair
Rayelynn Ketchum - Vice Chair
Tom White - Secretary
John McAleenan – Supervisor
Hector Lizasuain – Supervisor
Dave Askew – Supervisor
Skip Stellfox - 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:**
 - 4A. **PROCLAMATION RECOGNIZING JULY AS SMART IRRIGATION MONTH**
Staff request Board approval of proclamation recognizing July as Smart Irrigation Month. (Cost: None) (Floer)
 - 4B. **RECOGNITION OF WILLIAM LAND FOR HIS SERVICE TO THE TOHO BOARD OF SUPERVISORS**
No action required by the Board. (Cost: None) (Smith)
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 MAY 8, 2024**
Staff recommends the approval of the Board Meeting minutes from May 8, 2024. (Cost: None) (Smith)
- 7B. **APPROVAL OF AN ADDITIONAL \$75,000.00 CONSTRUCTION CONTINGENCY FOR THE ADMINISTRATION BUILDING MODIFICATIONS INCREASING THE TOTAL BOARD AUTHORIZATION FROM \$1,330,005.00 TO \$1,405,005.00.**
Staff requests approval of an additional contingency of \$75,000 to increase the total not-to-exceed authorization to \$1,405,005. The existing approved Board authorization is \$1,330,005. 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: Previously Approved Construction Bid of \$1,210,005 and Contingency of \$120,000 with This Request for Additional Contingency of \$75,000 making a Total Request of \$1,405,005.) (Fogarty)

- 7C. **APPROVAL OF A \$338,000 PERMANENT EASEMENT PURCHASE AND UP TO \$75,000 FOR A TEMPORARY EASEMENT PURCHASE FROM THE EVANGELICAL LUTHERAN GOOD SAMARITAN SOCIETY FOR THE HOAGLAND BLVD WATERMAIN EXTENSION PROJECT. THE TOTAL BOARD REQUEST IS \$413,000.**
Staff requests approval of a total not-to-exceed authorization of \$413,000 to acquire a permanent and temporary easement from the Evangelical Lutheran Good Samaritan Society for the Hoagland Blvd Watermain Extension Project. Staff further requests that authorization be delegated to the Executive Director/CEO to negotiate the temporary easement purchase and to execute any easement acquisition documents and to expend funds up to the total not-to-exceed limit. (Cost: Permanent Easement funding of \$338,000 and Temporary Easement (up to) \$75,000 for a Total This Request of \$413,000. The request will be funded by project number 121049.) (Hewitt)
- 7D. **APPROVAL OF A \$585,617.00 CONSULTING SERVICES AGREEMENT WITH BLACK AND VEATCH AND A \$20,000.00 CONTIGENCY FOR THE HOAGLAND BOULEVARD WATERMAIN EXTENSION PROJECT FOR A TOTAL REQUEST OF \$605,617.**
Staff requests approval of the consulting services agreement and a total not-to-exceed authorization of \$605,617.00 which includes a contract amount of \$585,617.00 plus a \$20,000.00 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 of Services of \$585,617 and Contingency of \$20,000 for a Total This Request of \$605,617.) (Smart)
- 7E. **APPROVAL OF A LOW BID \$842,900 CONSTRUCTION CONTRACT WITH CATHCART CONSTRUCTION COMPANY, LLC AND A \$85,000 CONTIGENCY FOR THE SHINGLE CREEK PIPE CROSSING SUPPORT REPLACEMENT PROJECT FOR A TOTAL AUTHORIZATION OF \$927,900**
Staff requests approval of the construction contract and a total not-to-exceed authorization of \$927,900 which includes a base construction contract award of \$842,900 plus a \$85,000 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: Construction Bid Amount of \$842,900 and Contingency of \$85,000 making a Total This Request of \$927,900.) (Pelham)
- 7F. **APPROVAL OF CUSTOMER ADJUSTMENT – 2939 VINELAND ROAD C11**
Staff recommend approval of the proposed customer adjustment for Colonial Fort Myers, LLC. (Cost: Adjustment in the amount of \$13,814.40) (Havey)

- 7G. **APPROVAL OF A \$936,079 AGREEMENT WITH HAZEN AND SAWYER TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN OF THE SHINGLE CREEK SURFACE WATER TREATMENT FACILITY PROJECT (RFQU-24-056). THE BOARD IS ALSO REQUESTED TO APPROVE AN \$80,000 ALLOWANCE FOR ANALYTICAL SERVICES AND A DESIGN CONTINGENCY OF \$100,000 FOR A TOTAL AUTHORIZATION OF \$1,116,079.**

Staff requests approval of the agreement and a total not-to-exceed authorization of \$ 1,116,079 which includes a base authorization amount of \$936,079 plus a \$80,000 analytical services allowance and a \$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 and contingency expenditures remain within the total not-to-exceed contract and contingency limit approved by the Board. (Cost: Scope of services of \$936,079 with Allowance for Analytical Services of \$80,000 and Contingency of \$100,000 for a Total Not-To-Exceed of \$1,116,079.) (Pang)

- 7H. **APPROVAL OF A \$802,968.79 CONSULTANT SERVICES AGREEMENT WITH CPH CONSULTING, LLC AND A \$80,000 CONTINGENCY FOR THE OLD HICKORY TREE RD. & 10th ST. RECLAIMED WATER MAIN DESIGN. THE TOTAL BOARD AUTHORIZATION REQUEST IS \$882,968.79.**

Staff requests approval of the consultant services agreement and a total not-to-exceed authorization of \$882,968.79 which includes a base authorization amount of \$802,968.79 plus a \$80,000 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 expenditures remain within the total not-to exceed contract limit approved by the Board. (Cost: Design Scope of Services of \$802,968.79 and Requested Contingency of \$80,000 for a Total This Request of \$882,968.79.) (Pelham)

- 7I. **APPROVAL OF INTERLOCAL AGREEMENT BETWEEN POLK COUNTY, FLORIDA AND TOHOPEKALIGA WATER AUTHORITY AMENDING WATER UTILITY SERVICE AREA**

Staff recommends that the Board approve the amendment to the boundary of the service area between Polk County and Toho and approve the Interlocal Agreement between Polk County, Florida and Tohopekaliga Water Authority amending water utility service area. (Cost: No cost to either Toho nor Polk County to revise the territorial boundary between the Toho and Polk County service areas.) (Cotter)

- 7J. **APPROVAL OF CYRILS DRIVE REUSE MAIN EXTENSION PROJECT; A SECOND AMENDMENT TO THE TOHO WATER AUTHORITY/TAVISTOCK UTILITIES EXTENSION REIMBURSEMENT AGREEMENT, \$2,950,968.80 REUSE MAIN CONSTRUCTION LOW BID REIMBURSEMENT, \$208,000.00 DESIGN COST REIMBURSEMENT**

AND A CONSTRUCTION AND CONSTRUCTION SERVICES CONTINGENCY OF \$341,031.20.

Staff requests approval of the reimbursement agreement and a total not-to-exceed authorization of \$3,500,000.00 which includes a design cost of \$208,000.00, a construction contract award of \$2,950,968.80 and a \$341,031.00 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: Toho's Design Cost of \$208,000.00 with Toho's Construction Cost of \$2,950,968.80 and Requested Contingency of \$341,031.20 for a Total This Request of \$3,500,000.00.) (Smart)

7K. APPROVAL OF THE FIRST AMENDMENT TO AGREEMENT WITH FERGUSON ENTERPRISES, LLC FOR THE PURCHASE OF WASTEWATER PIPES, VALVES, FITTINGS AND ACCESSORIES (PBA-20-113)

Staff recommends approval of this First Amendment to the Agreement with Ferguson Enterprises, LLC for the provision of water and wastewater parts and other related items. (Cost: \$2,500,000 for a Total not-to-exceed \$8,500,000 for the term of the Agreement.) (Collins)

7L. APPROVAL TO PURCHASE THREE VACUUM JETTER TRUCKS FROM NEXTRAN TRUCK CENTER

Staff recommends approval of the purchase of three (3) vacuum trucks from Nextran Truck Center. 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 not-to-exceed amount limit approved by the Board. (Cost: Not to exceed \$1,745,946.87.) (C.Weber)

7M. APPROVAL OF THE FIRST RENEWAL WITH ACME BARRICADES, L.C FOR THE TRAFFIC MAINTENANCE CONTROL SERVICES(IFB-22-089)

Staff recommends approval of the First Renewal to the Agreement, with Acme Barricades, L.C for Traffic Maintenance and Control Services. 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 not-to-exceed amount limit approved by the Board. (Cost: \$1,400,000 and not to exceed \$2,600,000 for the term of the Agreement.) (Cairns)

7N. APPROVAL OF PBA-24-113- COOPERATIVE AGREEMENT FOR CURED-IN-PLACE-PIPE SERVICES BETWEEN BUYBOARD NATIONAL PURCHASING COOPERATIVE AND INSITUFORM TECHNOLOGIES, LLC

Staff recommends approval of PBA-24-113, the agreement between Insituform Technologies, LLC and Buyboard National Purchasing Cooperative for the provision of cured in place piping services. (Cost: Staff is requesting \$1,000,000 total not-to-exceed for the term of the Agreement.) (Raggi)

- 70. APPROVAL OF A \$284,062 AGREEMENT WITH HAZEN AND SAWYER FOR THE LAKE MARION WASTERWATER RECLAMIATION FACILITY (WRF) IMPROVEMENTS AND ADVANCED SECONDARY TREATMENT UPGRADES PROJECT (RFQU-23-184) CONCEPTUAL DESIGN. THE BOARD IS ALSO REQUESTED TO APPROVE A DESIGN CONTINGENCY OF \$30,000 FOR A TOTAL AUTHORIZATION OF \$314,062.**

Staff requests approval of the agreement and a total not-to-exceed authorization of \$ 314,062 which includes a base authorization amount of \$284,062 plus a \$30,000 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: Scope of services for \$284,062 and Contingency of \$30,000 making a Total of \$314,062.) (Zhou).

- 7P. APPROVAL OF A \$3,935,324 LOW BID CONSTRUCTION CONTRACT AWARD TO SANPIK INC. AND A \$390,000 CONSTRUCTION CONTINGENCY FOR THE PINE LAKE ESTATES WATER MAIN REPLACEMENT PROJECT FOR A TOTAL BOARD APPROVAL OF \$4,325,324.**

Staff requests approval the construction contract, bid and contingency for a total not-to-exceed authorization of \$4,325,324 which includes the low bid amount of \$3,935,324 plus a \$390,000 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 construction contract and contingency expenditures remain within the total not-to-exceed construction contract and contingency limit approved by the Board. (Cost: Bid of \$3,935,324 and Contingency of \$390,000 for a Total of \$4,325,324 (Total project cost will be reduced by the \$600,000 grant.) (Pelham)

- 7Q. APPROVAL OF JUNE – 2024 ASSET DISPOSAL**

Staff recommends Board approval to dispose of the listed inventory items through donation, auction, disposal, Trade in or recycling. (Cost: None) (Henderson)

- 7R. APPROVAL OF THE SECOND AMENDMENT WITH POLYDYNE INC., FOR THE PROVISION OF POLYMER (IFB-21-062)**

Staff recommends approval of the Second Amendment to the Agreement, with Polydyne Inc., for the provision Polymer through August 10, 2026. 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 not-to-exceed amount limit approved by the Board. (Cost: \$1,000,000 and not to exceed \$4,765,000 for the term of the Agreement.) (Cairns)

- 7S. APPROVAL OF A \$643,468 AGREEMENT WITH INWOOD CONSULTING ENGINEERS TO PROVIDE DESIGN SERVICES FOR THE JACK BRACK ROAD WATER, WASTEWATER, AND REUSE**

UTILITY RELOCATIONS AND REUSE MAIN EXTENSION PROJECT. THE BOARD IS ALSO REQUESTED TO APPROVE A \$64,000 DESIGN CONTINGENCY FOR A TOTAL AUTHORIZATION OF \$707,468

Staff requests the Board approve the \$643,468 Consultant Services Agreement with Inwood Consulting Engineers and a \$64,000 design contingency for a total not-to-exceed authorization of \$707,468. 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 expenditures remain within the total not-to-exceed contract limit approved by the Board. (Cost: Consultant Services of \$643,468 and Design Contingency of \$64,000 for a Total Request of \$707,468.) (Pelham)

- 7T. **APPROVAL OF A \$99,232 ADDENDUM WITH LIQUID SOLUTIONS GROUP TO DEVELOP AND MAINTAIN AN EXECUTIVE MASTER PLAN INTEGRATING THE TOHO EAST SERVICE AREA MASTER PLANS (ST CLOUD) WITH THE REMAINDER OF THE TOHO MASTER PLANS. THE BOARD IS ALSO REQUESTED TO APPROVE A CONTINGENCY OF \$15,000 FOR A TOTAL AUTHORIZATION OF \$114,232.**

The existing approved Board authorization is \$1,121,094. Staff requests approval of this \$99,232 addendum and \$15,000 contingency to increase the total not-to-exceed authorization to \$1,235,326 based upon this addendum of \$99,232 and contingency of \$15,000. 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 and contingency expenditures remain within the total not-to-exceed contract and contingency limit approved by the Board. (Cost: This request for Addendum 14 funding of \$99,232 and Prior Contract Approvals \$1,121,094 (dating from 2021) for a Contract Total of \$1,220,326 plus a Contingency of \$15,000 giving an Authorized Total of \$1,235,326.) (Pelham)

- 7U. **APPROVAL OF A \$118,464 ADDENDUM TO LIQUID SOLUTIONS GROUP'S LLC. (LSG) PROGRAM MANAGEMENT FOR WATER SUPPLY AND ENVIRONMENTAL REGULATORY STRATEGY, MANAGEMENT AND OPERATIONAL PLANNING AGREEMENT AND A \$15,000 CONTINGENCY FOR A TOTAL BOARD AUTHORIZATION OF \$1,368,790.**

The existing approved Board authorization is \$1,235,326 including a separate agenda item request at this meeting (Item 7T). Staff requests approval of this \$118,464 addendum and \$15,000 contingency to increase the total not-to-exceed authorization to \$1,368,790 based upon this \$118,464 addendum and \$15,000 contingency for this item. 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 and contingency expenditures remain within the total not-to-exceed contract and contingency limit approved by the Board. (Cost: This request for Addendum 15 of \$118,464 and Prior Contract Approvals \$1,220,326 (dating from 2021) making a Contract Total of \$1,338,790 plus

additional Contingency of \$15,000 and the Prior Contingency (Item 7T) of \$15,000 making a Total Authorization of \$1,368,790.) (Pelham)

7V. **APPROVAL OF A PIGGYBACK AGREEMENT BETWEEN TOHO AND BLUSKY RESTORATION CONTRACTORS, LLC FOR DISASTER RECOVERY SERVICES (PBA-24-108) AND \$600,000 IN FUNDING FOR SERVICES AS REQUIRED.**

Staff requests approval of the piggyback Agreement with BluSky Restoration Contractors, LLC for Disaster Recovery Services PBA-24-108 and a total not-to-exceed authorization of \$600,000 to fund services. (Cost: This request is \$600,000.) (Hall)

7W. **APPROVAL OF THE SECOND AMENDMENT WITH ACCURATE ELECTRICAL CONNECTION INC, FOR ELECTRICAL SERVICES (IFB-20-132)**

Staff recommends approval of the Second Amendment to the Agreement, with Accurate Electrical Connection Inc., for the provision of electrical services. 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 not-to-exceed amount limit approved by the Board. (Cost: \$400,000 and not to exceed \$2,600,000 for the term of the Agreement.) (Cairns)

7X. **APPROVAL OF A \$1,225,842.30 LOW BID CONSTRUCTION CONTRACT WITH HARRIS-MCBURNEY CO. AND A \$125,000 CONSTRUCTION CONTINGENCY FOR THE PLEASANT HILL ROAD WATER MAIN PROJECT FOR A TOTAL AUTHORIZED FUNDING OF \$1,350,842.30**

Staff requests approval of a construction contract and contingency for a total not-to-exceed authorization of \$1,350,842.30 which includes the low bid amount of \$1,225,842.30 plus a \$125,000 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 construction contract and contingency expenditures remain within the total not-to-exceed construction contract and contingency limit approved by the Board. (Cost: Bid of \$1,225,842.30 and Contingency of \$125,000.00 for a Total of \$1,350,842.30.) (Pelham)

7Y. **APPROVAL OF THE MEMORANDUM OF AGREEMENT BETWEEN COALITION PARTNERS**

Staff recommends approval of the Memorandum of Agreement Between Coalition Partners to negotiate in good faith a biosolids disposal agreement. Staff is also requesting that authorization be delegated to the Executive Director/CEO to execute the Memorandum of Agreement Between Coalition Partners. (Cost: None) (C. Weber)

7Z. **NUTANIX HYPERCONVERGED SYSTEM UPGRADE FOR BUSINESS NETWORK AND NEW PURCHASE FOR SCADA NETWORK**

Staff requests Board Approval for this purchase of \$1,439,445.99. (Cost: \$1,439,445.99.) (Aviles)

7AA. **APPROVAL OF THE FIRST AMENDMENT WITH FERGUSON ENTERPRISES, LLC FOR THE PURCHASE OF WASTEWATER PIPES, VALVES, FITTINGS AND ACCESSORIES (PBA-20-113)**

Staff recommends approval of the First Amendment to the Agreement with Ferguson Enterprises, LLC for provision of water and wastewater parts and other related items. (Cost: \$2,500,000 for a Total not to exceed \$ 8,500,000 for the term of the Agreement.) (Mzee/Collins)

8. Informational presentations:

8A. **TOHO STRATEGIC PLAN – BOARD CHAMPION SUMMARY**

Collective review and comments by Board Champions. No action required by the Board. (Cost: None) (Martinez)

8B. **QUARTERLY INVESTMENT REPORT BY PFM GROUP – QUARTER ENDING March 31, 2024**

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

8C. **QUARTERLY FINANCIAL SUMMARY**

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

9. Unfinished business:

9A. **APPROVAL OF RESOLUTION 2024-006 PROVIDING FOR THE PLEDGING OF SYSTEM DEVELOPMENT CHARGES TO SUBORDINATE DEBT AND APPROVING AMENDMENTS TO THE WIFIA LOAN AGREEMENT**

Staff recommends approval of Resolution 2024-006 to provide for the pledging of System Development Charges to Subordinate Debt which is necessary to facilitate the issuance of a second WIFIA Loan. (Cost: None) (Henderson)

9B. **APPROVAL OF RESOLUTION 2024-007 AUTHORIZING THE EXECUTION AND DELIVERY OF A WIFIA MASTER AGREEMENT, A WIFIA LOAN AGREEMENT, A WIFIA TERM SHEET, AND THE SERIES 2024 NOTE AND ALL AGREEMENTS AND CERTIFICATES RELATED THERETO**

General Counsel's recommended action is for the Board to authorize staff to revise the WIFIA Master Agreement, WIFIA Loan Agreement, and WIFIA Term Sheet and other closing documents necessary to close the loan consistent with the Master Resolution and the Supplemental Resolution. Also, the Board to authorize the Chairman and Secretary to execute the Supplemental Resolution, WIFIA Master Agreement, WIFIA Loan Agreement, and WIFIA Term Sheet as may be revised consistent with the Master Resolution and Supplemental Resolution. To authorize the Chairman, Secretary, and CEO/Executive Director to execute such other closing documents necessary to close the loan so long as the terms of any such documents are consistent with the Board's approval of the Supplemental Resolution. Staff further recommends approval of Resolution

2024-007 approving the delivery and execution of the WIFIA Master Agreement, WIFIA Loan Agreement, WIFIA Term Sheet, and the Series 2024 Note and all agreements and certificates related thereto. (Cost: If the loan is drawn, \$200M loan plus interest costs.) (Henderson)

10. New business: None

11. Staff reports:

11A. 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)

11B. COMMUNICATIONS QUARTERLY REPORT FOR January-March 2024

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

12. Comments:

Board Officials
Executive Director
General Counsel

13. Upcoming events:

Juneteenth Festival	06/15/24
Juneteenth Holiday (Office Closed)	06/19/24
Father's Day	06/16/24
Smart Irrigation Month	7/1/2024
Independence Day (Kissimmee)	7/4/2024
Independence Day* (St. Cloud)	7/4/2024