



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

**Date and Time: Wednesday, July 31, 2024 at 5:00PM**

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

Henry Thacker - Chair  
Rayelynn Ketchum - Vice Chair  
Tom White - Secretary  
Skip Stellfox – 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: None**
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 June 12, 2024**  
Staff recommends the approval of the Board Meeting minutes from June 12, 2024. (Cost: None) (Smith)
- 7B. **APPROVAL OF THE SECOND AMENDMENT TO THE AGREEMENT FOR ACLARA ONE SOFTWARE UPGRADE (SS-19-124)**  
Staff recommends Approval of the Second Amendment with Aclara Technologies LLC ("Aclara") to add additional funds for the purchase of the MTUs blue tooth puck and associated annual software subscription. The Second Amendment requests an additional \$118,851.78 for a total Not to Exceed amount of \$713,134.78. (Cost: Additional \$118,851.78 for a total not to exceed amount of \$713,134.78) (Brown)
- 7C. **APPROVAL OF A \$103,380 PRECONSTRUCTION SERVICES AGREEMENT WITH U.S. WATER SERVICES CORPORATION AND A \$146,620 CONTINGENCY FOR THE CYPRESS LAKE ALTERNATIVE WATER SUPPLY PROJECT. RFQu-23-162 THE TOTAL AUTHORIZATION REQUEST IS \$250,000.**  
Staff requests the approval of a \$103,380 agreement with U.S. Water Services Corporation to provide Contract Operations Preconstruction Services for the Cypress Lake Alternative Water Supply (CLAWS) Project and a \$146,620 contingency. (Cost: Bid

Cost of Preconstruction services of \$103,380 and Contingency of \$146,620.00 for a Total Request of \$250,000) (Beatty)

- 7D. **APPROVAL OF AN \$656,285 AGREEMENT WITH TETRA TECH TO PROVIDE PRELIMINARY ENGINEERING DESIGN SERVICES FOR THE HARMONY WATER RECLAMATION FACILITY EXPANSION PROJECT (RFQU-24-048). THE BOARD IS ALSO REQUESTED TO APPROVE A DESIGN CONTINGENCY OF \$60,000 FOR A TOTAL AUTHORIZATION OF \$716,285.**

The Board of Supervisors is requested to approve a \$656,285 Consulting Services Agreement with Tetra Tech for the preliminary design of Harmony Water Reclamation Facility (WRF) Expansion Project and a \$60,000 contingency. (Cost: A Scope of Services cost of \$56,285 and a Contingency of \$60,000 for a Total Request of \$716,285) (Zhou)

- 7E. **APPROVAL OF A \$865,545.00 LOW BID CONSTRUCTION CONTRACT WITH CATHCART CONSTRUCTION COMPANY AND A \$86,000.00 CONSTRUCTION CONTINGENCY FOR THE KISSIMMEE – ST. CLOUD CONNECTOR TRAIL UTILITY RELOCATIONS. THE TOTAL AUTHORIZED FUNDING REQUEST IS \$951,545.00**

Staff requests approval of the \$865,545.00 low bid construction contract with Cathcart Construction Company for the Kissimmee – St Cloud Connector Trail Utility Relocations project, a \$86,000 construction contingency for a total authorization of \$951,545 (Cost: Construction Bid amount of \$865,545 and a Contingency of \$86,000 for a Total This Request of \$951,545) (Burgess)

- 7F. **APPROVAL OF THE SECOND AMENDMENT WITH AARONS BACKFLOW SERVICES AND THIRD AMENDMENT WITH FRANK GAY SERVICES, LLC FOR WATERMETER BACKFLOW SURVEY, INSPECTION MAINTENANCE AND INSTALLATION SERVICES (IFB-22-070)**

Staff requests the approval of the Second and Third Amendments to the Agreements with Aarons Backflow Services (“Aarons”) and Frank Gay Services LLC (“Frank Gay”), respectively, for water meters backflow survey, inspection, maintenance, and installation services. The amendments are to extend the agreements to August 9, 2026, and to request an additional \$5,228,684 for a total Not to Exceed cumulative amount of \$12,334,684 to the two Contractors. (Cost: \$5,228,684 and not to exceed amount of \$12,334,684) (Cudahy)

- 7G. **APPROVAL OF A \$409,288 ADDENDUM THE CONSTRUCTION CONTRACT WITH GARNEY COMPANIES INC, FOR FORCE MAIN INSPECTION EXCAVATION AND BACKFILL SERVICES**

**PROJECT, (IFB-24-071) TO SUPPORT CONDITION ASSESSMENTS OF DUCTILE AND CAST IRON PIPE FORCE MAINS. THIS INCREASES THE TOTAL BOARD AUTHORIZATION FROM \$546,060 TO \$955,348**

Staff requests approval of addendum #2 in the amount of \$409,288 to Garney Companies, Inc. construction contract for a total not-to-exceed authorization of \$955,348 which includes the initial authorization amount of \$496,060 and \$50,000 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 Addendum 2 of \$409,288 plus the original Contract of \$496,060 and a Contingency of \$50,000 making a Total Authorization of \$955,348) (Noyes)

**7H. APPROVAL OF A LOW BID \$797,007.00 CONSTRUCTION CONTRACT WITH CATHCART CONSTRUCTION COMPANY AND A \$80,000.00 CONTINGENCY FOR THE LAKESHORE INTERCONNECTION PROJECT FOR A TOTAL AUTHORIZATION OF \$877,007.00**

Staff requests approval of the continuing construction contract and a total not-to-exceed authorization of \$877,007.00 which includes a base construction contract award of \$797,007.00 plus a \$80,000.00 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: Bid of \$797,007 and a Contingency of \$80,000 for a Total of \$877,007) (Smart)

**7I. APPROVAL OF A LOW BID \$797,632 CONSTRUCTION CONTRACT WITH WW DANIELS COMPANY AND A \$80,000 CONTINGENCY FOR THE ST. CLOUD INTERCONNECT PHASE TWO PROJECT FOR A TOTAL AUTHORIZATION OF \$877,632**

Staff requests approval of the construction contract and a total not-to-exceed authorization of \$877,632 which includes a base construction contract award of \$797,632 plus a \$80,000 contingency. 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: Bid of \$797,632 and a Contingency of \$80,000 for a Total of \$877,632) (Smart)

**7J. APPROVAL OF THE THIRD AMENDMENT TO THE AGREEMENT WITH THERMETRICS CORPORATION, FOR HVAC MAINTENANCE AND REPAIR SERVICES (IFB-20-137)**

Staff recommends approval of the Third Amendment to the Agreement, with Thermetrics Corporation, for the HVAC Maintenance and Repair Services. (Cost: This Third Amendment of \$300,000 for a Total not to Exceed amount of \$884,460) (Cairns)

**7K. APPROVAL OF THE RENEWAL TO THE AGREEMENT WITH ODYSSEY MANUFACTURING CO., FOR CHEMICAL SYSTEM MAINTENANCE AND REPAIR SERVICES (IFB-21-052)**

Staff recommends approval of the Renewal Agreement with Odyssey Manufacturing Co. for the provision of chemical system maintenance and repair service for an additional \$508,100 and to extend the term to August 10, 2025. (Cost: This First Amendment of 508,100 Not to Exceed \$1,693,230 for the term of the Agreement ) (Cairns)

**7L. APPROVAL OF A \$265,504 CONSULTING SERVICES CONTRACT ADDENDUM WITH WRIGHT-PIERCE AND A \$30,000 DESIGN CONTINGENCY TO PROVIDE ENGINEERING CONSULTING SERVICES FOR THE SOUTH SIDE WATER RECLAMATION FACILITY HEADWORKS AND LIFT STATION 58E UPGRADES PROJECT [RFQU-22-099]. THE TOTAL BOARD AUTHORIZATION REQUEST IS \$295,504.**

Staff requests approval of an engineering services contract addendum to Wright-Pierce's continuing consultant agreement for a total not-to-exceed authorization of \$295,504 which includes a base authorization amount of \$265,504 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: A Design Scope of Services of \$265,504 and Contingency of \$30,000 for a Total request of \$295,504) (Eversole)

**7M. APPROVAL TO DELEGATE AUTHORITY FOR THE CEO/EXECUTIVE DIRECTOR TO FINALIZE AND EXECUTE AN AGREEMENT TO PURCHASE 11 PERMANENT EASEMENTS FOR THE TOHO RESERVOIR REUSE MAIN ON FORTUNE RD. THE BOARD IS ALSO REQUESTED TO AUTHORIZE \$280,800 FOR THE EASEMENT PURCHASES.**

Staff requests delegation to the CEO/Executive Director authority to negotiate and execute an agreement with Osceola County for the purchase of 11 permanent easements. Staff further requests to approve of a total not-to-exceed authorization of \$280,800 for the purchase of the easements. (Cost: Project cost of \$280,800 with a total not to exceed of \$280,800) (Hewitt)

- 7N. **APPROVAL TO DELEGATE AUTHORITY TO THE CEO/EXECUTIVE DIRECTOR TO FINALIZE AND EXECUTE AGREEMENTS FOR THREE PROPERTY PURCHASES FOR THE WATER TREATMENT PLANT #4 UPGRADE AND FUTURE EXPANSION AND A FOURTH PROPERTY FOR A FUTURE WATER BOOSTER STATION. THE BOARD IS ALSO REQUESTED TO AUTHORIZE \$1,343,958.60 FOR THE PROPERTY PURCHASES.**

Staff requests approval of a total not-to-exceed authorization of \$1,343,958.60 to purchase four properties from Edgewater Property Holdings, LLC. Staff further requests that authorization be delegated to the Executive Director/CEO to negotiate and execute any property acquisition agreements with funding up to the total Board approved not-to-exceed limit. (Cost: Total Purchase price for all properties \$1,343,958.60 ) (Hewitt)

- 7O. **APPROVAL OF AN AMMENDMENT TO THE EXISTING AGREEMENT WITH CHA CONSULTING, INC. TO PROVIDE POTABLE WATER, WASTEWATER, AND RECLAIM WATER HYDRAULIC EVALUATION SERVICES FOR DEVELOPMENT PROJECTS.**

Staff requests approval of the consultant services scope of services proposal with CHA Consulting Inc. in the amount of \$180,000 for hydraulic evaluations in support of development review. Staff further requests to approve a not-to-exceed contingency in the amount of \$10,000 for a not-to-exceed Total of \$360,000 including prior authorizations. Staff further requests to authorize the Executive Director to expend such contingency up to the not-to-exceed limit approved by the Board. (Cost: This Scope of Services of \$180,000 and the previously approved \$170,000 and a Contingency of \$10,000 for a Total Request of \$360,000) (Talavera)

- 7P. **APPROVAL OF THE SEVENTH AMENDMENT TO THE AGREEMENT WITH FLORIDA ARMATURE WORKS, INC., AND FOURTH AMENDMENT TO THE AGREEMENT WITH TAW ORLANDO SERVICE CENTER, INC. FOR REPAIR SERVICES OF PUMPS, MOTORS, AND OTHER EQUIPMENT (RFP-20-123-01, RFP-20-123-02)**

Staff recommends approval of the Seventh Amendment with Florida Armature Works, Inc. (RFP-20-123-01) and the Fourth Amendment with TAW Orlando Service Center, Inc. (RFP-20-123-02) to the Agreements for Repair Services of Pumps, Motors, and Other Equipment. (Cost: This \$500,000 for a total not to exceed amount of \$5,576,000 for the term of the two Agreements) (Cairns)

**7Q. APPROVAL TO BEGIN RECRUITING IN FY24 FOR SIX FY25 STAFFING POSITIONS**

Board Approval for adjustment of Toho's staffing table to provide for early recruiting of the six FY25 Staffing Positions (Cost: None) (Rentz)

**7R. APPROVAL OF A \$2,394,132.86 LOW BID CONSTRUCTION CONTRACT AWARD TO INSITUFORM TECHNOLOGIES, LLC AND A \$239,500.00 CONSTRUCTION CONTINGENCY FOR THE LIFT STATION 30 (RENEE) GRAVITY SEWER REHABILITATION AND REPLACEMENT PROJECT FOR A TOTAL AUTHORIZED FUNDING OF \$2,633,632.86. THE CEO/EXECUTIVE DIRECTOR EXECUTED AN EMERGENCY AUTHORIZATION OF \$250,000 TO INITIATE THE WORK (INCLUDED IN THE \$2,394,132.86 APPROVAL REQUEST).**

Staff requests approval of the construction contract and contingency for a total not-to-exceed authorization of \$2,633,632.86 which includes the low bid amount of \$2,394,132.86 (including a \$250,000 emergency authorization by the CEO/Executive Director), plus a \$239,500.00 contingency. Staff further requests authorization for the CEO/Executive Director the ability 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: This Bid of \$2,394,132.86 and a Contingency of \$239,500 for a Total Request of \$2,633,632.86) (Shields)

**7S. APPROVAL OF A \$5,322,307 LOW BID CONSTRUCTION CONTRACT AWARD TO PRIME CONSTRUCTION GROUP AND A \$532,000.00 CONSTRUCTION CONTINGENCY FOR THE LIFT STATION 57 Ph. 1 GRAVITY SEWER REHABILITATION PROJECT FOR A TOTAL AUTHORIZED FUNDING OF \$5,854,307. THE CEO/EXECUTIVE DIRECTOR EXECUTED AN EMERGENCY AUTHORIZATION OF \$250,000 TO INITIATE THE WORK (INCLUDED IN THE \$5,322,307 APPROVAL REQUEST).**

Staff requests approval of the construction contract and contingency for a total not-to-exceed authorization of \$5,854,307 which includes the low bid amount of \$5,322,307 (including a \$250,000 emergency

authorization by the CEO/Executive Director), plus a \$532,000 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 \$5,322,307 and a Contingency of \$532,000 for a Total Request of \$5,854 307) (Shields)

- 7T. **APPROVAL OF A \$403,733.19 LOW BID CONSTRUCTION CONTRACT AWARD TO INSITUFORM TECHNOLOGIES, LLC AND A \$50,000 CONSTRUCTION CONTINGENCY FOR THE 192 - BAMBOO TO MAIN ST. GRAVITY SEWER LINING PROJECT FOR A TOTAL AUTHORIZED FUNDING OF \$453,733.19. THE CEO/EXECUTIVE DIRECTOR EXECUTED AN EMERGENCY AUTHORIZATION OF \$250,000 TO INITIATE THE WORK (INCLUDED IN THE \$403,733.19 APPROVAL REQUEST).**

Staff requests approval the construction contract, bid and contingency for a total not-to-exceed authorization of \$453,733.19 which includes the low bid amount of \$403,733.19 (including a \$250,000 emergency authorization by the CEO/Executive Director), plus a \$50,000.00 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 construction contract and contingency expenditures remain within the total not-to-exceed construction contract and contingency limit approved by the Board. (Cost: Bid of \$403,733.19 and a Contingency of \$50,000.00 for a Total Request of \$453,733.19) (Shields)

- 7U. **APPROVAL OF A \$180,000 CONSTRUCTION CONTINGENCY FOR THE FLORIDA PLAZA 16-INCH FORCE MAIN REPLACEMENT. THE CEO/EXECUTIVE DIRECTOR APPROVED THE \$1,755,000 LOW BID CONSTRUCTION CONTRACT WITH CATHCART CONSTRUCTION COMPANY, LLC, AS AN EMERGENCY TO MEET A FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CONSENT ORDER DEADLINE. THE REQUESTED AUTHORIZATION IS LIMITED TO THE CONTINGENCY OF \$180,000.00**

Staff requests approval of the \$180,000.00 construction contingency. No action is required for the construction bid of \$1,755,000, approved by the CEO/Executive Director as an emergency. 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: Cost: This Construction Contingency of \$180,000 and the Approved Bid of \$1,755,000 for a Total Request of \$1,935,000) (Chavez)

**7V. APPROVAL TO NEGOTIATE AGREEMENT WITH EAST LAKE TOHO DEVELOPMENT GROUP TO COST SHARE THE DESIGN, PERMITTING AND CONSTRUCTION OF A 20”/24” FORCE MAIN TO SERVE THE EAST LAKE DEVELOPMENT AREA**

Staff recommends approval by the Board authorizing the Executive Director/CEO and General Counsel to negotiate an agreement with the East Lake Development Group for the design, permitting, and construction of a 20”/ 24” force main from Kissimmee Park Road to Southside Water Reclamation Facility to serve a portion of the area’s wastewater collection needs. Staff further recommends the Board authorize Toho’s Executive Director/CEO to execute such agreement subject to prior consultation with a Board chosen representative of Toho’s Board of Supervisors. Staff further requests authorization for the Executive Director/CEO to execute any such documents as are necessary to complete the Board approved reimbursement up to the total not-to-exceed reimbursement limit approved by the Board of \$2,723,050.18. (Cost: Toho Share of KPFM (Developer Credits) of \$1,333,333 and a 10% Developer Contingency (Developer Credits) of \$133,333 and Lift Station Diversions \$760,185.20, Design Permitting Costs of \$65,000, and a Toho 15% Contingency of \$355,180.46 for a Total Request of \$2,723,050.18) (Biron)

**7W. REQUEST APPROVAL OF RELEASE OF ENCUMBRANCES AFFECTING THE LAKE MARION PRESERVE PROPERTY**

Staff requests the Board approval to release encumbrances on the Lake Marion Preserve Property. Staff also requests the Board delegate authority to the Executive Director to execute the Release of Property and to make any necessary corrections. (Cost: Funding Source N/A) (Cotter)

**8. Informational presentations:** None

**9. Unfinished business:** None

**10. New business:** None

**11. Staff reports:**

**11A. INFRASTRUCTURE EMERGENCY REPAIR STATUS**

Information only. No action is required by the Board. (Cost: None)  
(Pelham)

11B. **CONSTRUCTION CONTINGENCY USAGE STATUS REPORT**  
Information only. No action is required by the Board. (Cost: None)  
(Pelham)

11C. **COMMUNICATIONS QUARTERLY REPORT APRIL - JUNE 2024**  
Information only. No action is required by the Board. (Cost: None)  
(Floer)

11D. **REQUEST RENEWAL OF GE SUPPORT SERVICES FOR SCADA (SS-24-154) THE CEO/EXECUTIVE DIRECTOR EXECUTED AN EMERGENCY AUTHORIZATION OF \$109,569.09 TO ENSURE GE SOFTWARE SUPPORT DOES NOT LAPSE (INCLUDED IN THE \$547,845.45 APPROVAL REQUEST).**  
Information only. No action is required by the Board. (Cost: \$547,845.45 for the 5-year term plus a Contingency of \$54,784 for a Total of \$602,629.45) (Williamson)

**12. Comments:**

Board Officials  
Executive Director  
General Counsel

**13. Upcoming events:**

Water Quality Month	8/1/2024
Osceola County - First Day of School	8/12/2024
Senior Citizens Day	8/21/2024