



## **Toho Water Board of Supervisors' Regular Meeting & Operating Budget Workshop**

**Date and Time: Wednesday, August 21, 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:**
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 July 31, 2024**

Staff recommends the approval of the Board Meeting minutes from July 31, 2024. (Cost: None) (A. Smith)

**7B. APPROVAL OF A \$1,116,312 CONTRACT ADDENDUM WITH TETRA TECH, INC. AND A \$100,000 CONTINGENCY FOR PROJECT MANAGEMENT, CONSTRUCTION ADMINISTRATION, AND CONSTRUCTION OBSERVATION SERVICES FOR THE CYPRESS LAKE WATER ALTERNATIVE WATER SUPPLY CONCENTRATE DISPOSAL INJECTION WELL CONSTRUCTION PROJECT. THE TOTAL BOARD AUTHORIZATION REQUEST IS \$1,216,312.**

Staff recommends approval of the Addendum with Tetra Tech for project management, construction administration, and construction observation services for the construction of the second IW and associated MW in the amount of \$1,116,312 and a \$100,000 contingency for a total not-to-exceed authorization of \$1,216,312 (with 40% of the total cost to be reimbursed by the Water Cooperative of Central Florida project participants). Staff further requests Board authorization for the Executive Director/CEO to execute any documents as are necessary to expend such

contingency up to the total not-to-exceed amount limit approved by the Board of Supervisors. In the event the cost exceeds this authorized limit, any additional project expenditure will be brought back to the Board of Supervisors for approval. (Cost: Tetra Tech Contract Addendum of \$1,116,312.00 (initially funded by Toho) plus Contingency of \$100,000.00 for a Total Cost of \$1,216,312.00. Total Toho Cost (after reimbursement by WCCF members) being Toho's 60% proportional share of proposal of \$669,787.20 and Toho's 60% proportional share contingency of \$ 60,000.00 (not-to exceed) Bringing Toho's total funding obligation to \$729,787.20. The project will be funded by budgeted funds for the Cypress Lake Alternative Water Supply Project, project # 113031.) (D. Beatty)

7C. **APPROVAL OF THE RANKING OF FIRMS AND THE SELECTION OF THE TOP RANKED FIRM, PC CONSTRUCTION, FOR THE WATER TREATMENT PLANT #4 IMPROVEMENTS PROJECT CONSTRUCTION MANAGER AT RISK SERVICES (CMAR) AND AUTHORIZE THE CEO/EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE THE CMAR AGREEMENT AND PRECONSTRUCTION PHASE SERVICES NOT-TO-EXCEED \$500,000 (IFB-24-127)**

Staff requests approval of the ranking of firms and the selection of PC Construction, the top ranked firm for the WTP #4 Improvements project. Staff further requests authorization for the Executive Director/CEO to negotiate and execute the Construction Manager at Risk Agreement with PC Construction and preconstruction phase services not-to-exceed \$500,000. Pre-construction fees in excess of \$500,000, to be approved by the CEO/Executive Director (with Board authorization), will be submitted for Board consideration at a future Board meeting. Should staff fail to reach agreement with the top ranked CMAR, firm PC Construction, staff requests approval to begin negotiation with the second rank CMAR, firm Wharton-Smith and the third firm, Vogel Bros, if an agreement is not reached with the second ranked firm. (Cost: Preconstruction Services \$500,000) (T. Pang)

7D. **APPROVAL OF A \$11,964,000.00 CONSTRUCTION CONTRACT AGREEMENT WITH THE LOW RESPONSIVE BIDDER, YOUNGQUIST BROTHERS, INC. FOR THE CONSTRUCTION OF THE SECOND CYPRESS LAKE CONCENTRATE DISPOSAL WELL (IFB-24-157). THE BOARD IS ALSO REQUESTED TO APPROVE A \$1,000,000 CONTINGENCY FOR A TOTAL AUTHORIZATION OF \$12,964,000.00**

Staff recommends approval of the \$11,964,000 contract agreement with Youngquist Brothers, Inc. for the Cypress Lake Concentrate Disposal Injection Well and Monitoring Well Construction Project and a \$1,000,000 contingency for a total not-to-exceed authorization of

\$12,964,000 (with 40% of the total cost to be reimbursed by the Water Cooperative of Central Florida project participants). Staff also requests Board authorization for the Executive Director/CEO to execute any documents as are necessary to expend such contingency up to the total not-to-exceed limit approved by the Board of Supervisors. In the event the cost exceeds this authorized limit, any additional project expenditure will be brought back to the Board of Supervisors for approval. (Cost: Low Bid – Youngquist Bros. Inc. for \$11,964,000 (initially funded by Toho less SFWMD Grant Funding of \$(-3,000,000) plus a contingency of \$1,000,000 for a total Project Cost of \$9,964,000. Total Toho Cost (after reimbursement by WCCF members) being Toho's 60% proportional share of low bid of \$7,178,400 less 60% of SFWMD grant funding of \$(1,800,000) and Toho's 60% proportional share contingency of \$600,000 (not-to exceed) bringing Toho's total 60% funding obligation to \$5,978,400 (including contingency). The project will be funded by budgeted funds for the Cypress Lake Alternative Water Supply Project, project # 113031. (D. Beatty)

**7E. APPROVAL OF THE CYPRESS LAKE ALTERNATIVE WATER SUPPLY PROJECT WATER WHEELING INFRASTRUCTURE COST-SHARING SUB-AGREEMENT NO. 5 (SA-5) BETWEEN TOHO WATER AUTHORITY, ORANGE COUNTY AND POLK COUNTY FOR THE POINCIANA BLVD. WATER MAIN PROJECT AND DELEGATE TO THE CEO/EXECUTIVE DIRECTOR EXECUTION OF THE SUB-AGREEMENT.**

Staff recommends approval of the Cost-Sharing of Water Wheeling Infrastructure Project Sub-Agreement No. SA-5 and requests authorization for the Executive Director to sign the Sub-Agreement on behalf of the Board. (Cost: Previously approval total of \$17,033,707 less reimbursements of \$(11,686,826) making a net total cost of \$5,346,881. Note, no additional funds are requested, the Board approved the project funding Oct. 10, 2022. However, if conditions arise requiring funding above the available contingency a funding request will be submitted for Board consideration at a future Board meeting.) (P. Jung)

**7F. APPROVAL OF A UTILITY WORK BY HIGHWAY CONTRACTOR (UWHC) AGREEMENT BETWEEN TOHO WATER AUTHORITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE US 192 /VINE STREET FROM BAMBOO LANE TO MAIN STREET, STATE ROAD 530 RESURFACING PROJECT (FPID 448783-1-56-011) INCLUDING \$685,377.00 FUNDING FOR TOHO'S PROJECT COST AND AGREEMENT CONTINGENCY. THE BOARD IS ALSO REQUESTED TO DELEGATE TO THE CEO/EXECUTIVE DIRECTOR AUTHORITY TO NEGOTIATE**

**AMENDMENTS TO THE AGREEMENT TO SPEND A SEPARATE TOHO CONTINGENCY NOT-TO-EXCEED \$70,000.00 THE TOTAL REQUESTED FUNDING IS \$755,377.00.**

Staff request the Board approved the Utility Work by Highway Contractor Agreement between the Toho Water Authority and FDOT for the US 192/Vine St from Bamboo Lane to Main Street project including \$685,377.00 funding and a separate Toho contingency of \$70,000.00 for a total project not-to-exceed funding request of \$755,377.00. 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 expenditures remain within the total not-to-exceed funding limit approved by the Board. (Cost: Total costs including Utility Work by Highway Contractor of \$593,400.00 and a 5% FDOT Mobilization/MOT Fee of \$29,670.00 plus a 10% Agreement Contingency of \$62,307.00 making a total FDOT Agreement funding of \$685,377.00. Additionally, a Toho Contingency of \$70,000.00 making this total request of \$755,377.00) (K. Burgess)

**7G. APPROVAL OF THE RESOLUTION AMENDING THE INDUSTRIAL PRETREATMENT RESOLUTION TO INCLUDE PROVISIONS FOR MORE STRINGENT STANDARDS AND DEFINITIONS FOR CLARITY.**

Staff and General Counsel recommends the approval of the Resolution Amendment 2024-005. (Cost: None) (N. Cudahy)

**7H. APPROVAL OF THE RANKING OF FIRMS AND SELECTION OF THE TOP RANKED FIRM, TETRA TECH, TO PROVIDE ENGINEERING CONSULTING SERVICES FOR THE EDGEWATER REUSE STORAGE AND REPUMP STATION (RFQu24-132). THE BOARD IS ALSO REQUESTED TO AUTHORIZE THE CEO/EXECUTIVE DIRECTOR TO EXECUTE THE CONSULTING SERVICES AGREEMENT AND PRELIMINARY ENGINEERING SCOPE AND FEE UP TO \$250,000.00**

Staff recommends Board approval of the ranking of the firms and the selection of Tetra Tech as the top ranked firm. If a scope of services negotiation with Tetra Tech cannot be concluded to staff's satisfaction, staff requests authorization to begin negotiations with the second ranked firm, Hazen and Sawyer, Inc. Staff further requests authorization for the CEO/Executive Director to execute the consulting services agreement and any such documents as are necessary to expend up to \$250,000.00 under the first contract assignment for preliminary engineering consulting services. (Cost: Up to \$250,000.00 to be approved by the CEO/Executive Director.) (K. Webster)

- 7I. **APPROVAL OF SIMPSON RIDGE CIRCLE LTD. 2201 SIMPSON RIDGE CIRCLE**  
Staff recommends approval of the proposed Simpson Ridge Circle LTD reimbursement. (Cost: Reimbursement in the amount of \$24,296.57) (J. Towns)
- 7J. **APPROVAL OF MADISON WATERSTAR OWNER LLC**  
Staff recommends approval of the proposed Madison Waterstar customer reimbursement (Cost: Reimbursement in the amount of \$ 110,073.73) (J. Towns)
- 7K. PULLED
- 7L. **APPROVAL OF ADDITIONAL FUNDING OF \$255,906.65 TO FUND A \$566,778.92 CHANGE ORDER (CO) #4 FOR THE POINCIANA VILLAGE 7, NEIGHBORHOOD 2 WEST UTILITIES EXTENSION PROJECT AND AN ADDITIONAL \$400,000 IN CONTINGENCY. THE AVAILABLE BOARD APPROVED CONTINGENCY IS \$310,872.27, THE ADDITIONAL REQUEST FUNDS THE DIFFERENCE BETWEEN THE AVAILABLE CONTINGENCY AND CHANGE ORDER PLUS \$400,000. THE REQUEST INCREASES THE APPROVED PROJECT FUNDING BY \$655,906.65 FOR A TOTAL OF \$5,094,504.65 (IFB-21-088)**  
The existing approved Board authorization is \$4,438,643.00. Staff requests approval of an additional funding request of \$655,906.65 to increase the total not-to-exceed authorization to \$5,094,549.65 of which \$255,906.65 funds Change Order #4 and a \$400,000 contingency for a delay claim settlement. Staff therefore requests the Board approval of Change Order #4. 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: Total costs including the Previously Encumbered \$4,127,770.73 plus an Approved Available Contingency \$310,872.27. Additionally, this request for Net Change Order Additional Funding \$255,906.65 (\$566,778.92 - \$310,872.27) plus a Contingency of \$400,000.00 making this Total Request of \$5,094,504.65.) (E. Ratliff)
- 7M. **APPROVAL FOR AN ADDITIONAL TWO-YEAR MAINTENANCE AGREEMENT WITH PALL CORPORATION TO SUPPORT STAFF OPERATION OF THE TEMPORARY PALL FILTERS INSTALLED AT TOHO EAST (ST CLOUD) WATER TREATMENT PLANT #4.**

Staff request approval of an additional two-year maintenance agreement with Pall Corporation to support staff operation of the temporary Pall Filters installed at the Toho East (St Cloud) Water Treatment Plant #4 through October 31, 2026. (Cost: An additional \$117,000 for a total not-to-exceed amount of \$2,746,781 for the term of the Agreement) (V. Forde)

**7N. APPROVAL OF THE RANKING OF FIRMS AND THE SELECTION OF THE TOP RANKED FIRM, HAZEN AND SAWYER TO PROVIDE ENGINEERING CONSULTING SERVICES FOR THE SUNBRIDGE WATER RECLAMATION FACILITY EXPANSION PROJECT.**

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

**7O. APPROVAL OF HARRIS COMPUTER CORPORATION, OPERATING AS AN ADVANCED UTILITY SYSTEM – ADDITIONAL LICENSES PURCHASE FOR 50 LICENSES.**

Staff recommends Board approval of the purchase of fifty (50) additional licenses at the total cost of \$292,500 and a contingency of \$30,000 for potential purchases of licenses if needed for FY 2025. (Cost: License fee for 50 additional licenses of \$ 325,000.00 less a discount of \$32,500.00 and an additional maintenance fee of \$81,250.00. Thus, the total cost for the additional licenses and annual maintenance is \$292,500.00. (R. Potts)

**7P. APPROVAL OF \$510,876 IN ADDITIONAL DESIGN SERVICES AND ADDENDUM 19 WITH WSP FOR THE TOHO RESERVOIR ALTERNATIVE WATER SUPPLY (AWS) PROJECT INCREASING THE TOTAL BOARD AUTHORIZATION FROM \$5,678,036 to \$6,188,912.**

The Board is requested to approve a \$510,876 additional design scope of services and addendum 19 with WSP for the Toho Reservoir SWTF project increasing the total Board authorization from \$5,678,036 to \$6,188,912. 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 Additional Design Fee of \$510,876 and the previous Approved Design costs of \$5,358,036 with Contingency of \$320,000

(totaling a Previous Approved amount of \$ 5,678,036 for a Total Design Project Funding of \$6,188,912.) (T. Pang)

- 7Q. **APPROVAL TO WAIVE TOHO'S COMPETITIVE BIDDING PROCESS [BW-24-202], APPROVE A \$620,500 SCOPE OF SERVICES, AND DELEGATE CONTRACT EXECUTION TO THE CEO/EXECUTIVE DIRECTOR WITH MURPHY PIPELINE CONTRACTORS TO PROVIDE DESIGN AND CONSTRUCTION SERVICES FOR THE PIPEBURSTING REPLACEMENT OF THE MARIGOLD 14-INCH WASTEWATER FORCE MAIN AT CYPRESS PARKWAY. THE BOARD IS ALSO REQUESTED TO APPROVE A \$100,000 CONTINGENCY FOR A TOTAL AUTHORIZATION NOT-TO-EXCEED \$720,500.**

The Board is requested to waive Toho's competitive bidding process and approve a \$620,500 scope of services with Murphy Pipeline Contractors for the Pipe bursting Replacement of the Marigold 14-inch Wastewater Force Main at Cypress Parkway Project [BW-24-202]. This request includes a base authorization amount of \$620,500 plus a \$100,000 contingency for a total not-to-exceed authorization of \$720,500. Staff requests authorization for the CEO/Executive Director to execute any such documents as necessary to contract the Pipe bursting Replacement of the Marigold 14-inch Wastewater Force Main at Cypress Parkway Project [BW-24-202] with Murphy Pipeline Contractors. 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 Total Cost for Design & Construction Scope of Services of \$620,500 plus a Contingency of \$100,000 for a Total Request of \$720,500.) (G. Eversole)

- 7R. **APPROVAL OF A \$1,183,876 ADDITIONAL DESIGN SCOPE OF SERVICES AND ADDENDUM 3 WITH HAZEN AND SAWYER FOR THE WATER TREATMENT PLANT #4 UPGRADE AND IMPROVEMENT PROJECT. THE REQUEST INCREASES THE TOTAL BOARD AUTHORIZATION FROM \$3,434,695 to \$4,618,571.**

Staff requests approval of this addendum to increase the total not-to-exceed authorization to \$4,618,571. The existing approved Board authorization is \$3,434,695. 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 an Additional Design fee of \$1,183,876 and the previously approved Design fee of \$3,134,695 with Contingency of



\$300,000 making a Total Previously Approved cost of \$3,434,695 making a Total Project Funding of \$4,618,571.) (T. Pang)

- 7S. **APPROVAL OF A \$2,050,639.80 LOW BID CONSTRUCTION CONTRACT WITH MIDSOUTH, INC. AND A \$205,000 CONSTRUCTION CONTINGENCY FOR THE 16-INCH CHAMPIONS GATE FORCE MAIN AND GRAVITY SEWER REPLACEMENT PROJECT FOR A TOTAL FUNDING REQUEST OF \$2,255,639.80.**

Staff requests approval of the construction contract and contingency with a total not-to-exceed authorization of \$2,255,639.80 which includes the low bid amount of \$2,050,639.80 plus a \$205,000 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: Total Bid cost of \$2,050,639.80 plus a Contingency of \$205,000.00 for a Total Cost of \$2,255,639.80) (P. Talavera)

- 7T. **APPROVAL OF A SECOND, ONE YEAR RENEWAL OF PROSOURCE TECHNOLOGIES, LLC AND ATWELL LLC CONSULTANT AGREEMENTS FOR REAL ESTATE ACQUISITION SERVICES. (RFQu-22-081). THE BOARD IS ALSO REQUESTED TO APPROVE \$2,220,000 NOT-TO-EXCEED FUNDING, THE PROJECTED EXPENDITURE THROUGH FISCAL YEAR 2025. THE REQUEST INCREASES THE TOTAL NOT-TO-EXCEED AUTHORIZATION TO \$3,740,000.**

The existing approved Board authorization is \$1,520,000. Staff requests approval of one-year agreement renewals with the two firms and \$2,220,000 funding based on this request to increase the total not-to-exceed authorization to \$3,740,000. Staff further requests authorization for the CEO/Executive Director to execute any such documents as are necessary to expend the approved funding provided that the total expenditures remain within the total not-to-exceed limit approved by the Board. (Cost: This Request of \$2,220,000 plus the Previously Approved \$1,520,000 for a Total Request of \$3,740,000) (M. Hewitt)

- 7U. **APPROVAL TO EXECUTE A \$806,488.43 ADDENDUM WITH PURE TECHNOLOGIES (RFP-21-02) FOR THE CONDITION ASSESSMENT OF FORCE MAINS FLOWING TO SANDHILL ROAD WATER RECLAMATION FACILITY SERVICE AREA. THE ADDENDUM WILL BE PARTIALLY FUNDED BY AVAILABLE CONTINGENCY \$28,253 THE ADDITIONAL BOARD**

**AUTHORIZATION REQUEST IS \$778,235.43 INCREASING THE TOTAL AUTHORIZATION TO \$2,278,235.43.**

The existing approved Board authorization is \$1,500,000. Staff requests approval of this addendum to increase the total not-to-exceed authorization to \$2,278,235.43, based upon this addendum of \$806,488.43 less the available contingency of \$28,253 (\$778,235.43). 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 of Board Authorized \$1,500,000.00 less Previously Contracted amount of \$1,471,747.00 leaving the Available Contingency of \$28,253.00. This addendum of \$806,488.43 less the available contingency of \$28,253.00 making a Total this request of \$778,235.43. Previous and this request totaling \$2,278,235.43.) (T. Noyes)

**8. Informational presentations:**

**8A. QUARTERLY INVESTMENT REPORT BY PFM GROUP – QUARTER ENDING JUNE 30, 2024**

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

**8B. FY2024 COMMUNITY SPONSORSHIPS REQUESTS AND RECOMMENDATIONS**

Direction about Board priorities prior to the recommendation presentation at the September Board meeting. (Cost: \$170,000 budgeted) (J. Floer)

**8C. KEY PERFORMANCE INDICATORS (KPIs); Current Performance**

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

**9. Unfinished business:**

**10. New business:**

**11. Staff reports:**

**11A. WATER CONSERVATION 3RD QTR FISCAL YEAR 2024**

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

11B. **INFRASTRUCTURE EMERGENCY REPAIR STATUS**  
Information only. No action is required by the Board. (Cost: None)  
(R. Pelham)

11C. **TOHO ASSISTANCE PROGRAM (TAP) FY24 3rd QUARTER UPDATE**  
Information only. No action is required by the Board. (Cost: None)  
(H. Havey)

**12. Comments:**

Board Officials  
Executive Director  
General Counsel

**13. Upcoming events:**

Labor Day	9/2/2024
Guardian Ad Litem Foundation Black & White Gala	9/7/2024
Grandparents Day	9/8/2024
Patriot Day	9/11/2024

**14. Board of Supervisors Regular Meeting Closure**

**15. Operating Budget Workshop – Presentation (R. Henderson)**