



951 Martin Luther King Boulevard, Kissimmee, FL

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**Board of Supervisors
Regular Meeting Minutes
Wednesday February 21, 2024**

Present:

Chairman - Henry Thacker
Vice Chairman – Rayelynn Ketchum
Secretary - William Land
Supervisor - Hector Lizasuain
Supervisor – John McAleenan
Supervisor – Tom White
Supervisor – Dave Askew
Executive Director – Todd P. Swingle
General Counsel – Anthony Cotter

Ex Officio Board Member, City of
St Cloud - Kolby Urban
Ex Officio Board Member, City of
Kissimmee - Angela Eady
Ex Officio Board Member,
Osceola County - Cheryl Grieb

Absent: Ex-officio Board Member, Polk County, Rick Wilson.

1. **Meeting called to order by:** Chairman Thacker at 5:00 pm.
2. **Moment of Silent Reflection and Pledge of Allegiance** led by Secretary Land.
3. **Approval of the Agenda**
Motion made by Secretary Land to move Agenda Item 10B to immediately after the Consent Agenda. Motion seconded by Supervisor Lizasuain.
Motion approved 7-0

Motion to approve the Agenda, made by Secretary Land. Motion seconded by Supervisor Lizasuain. Motion passed 7-0.

4. **Awards and Presentations:** None.
5. **Public Hearing:** None.
6. **Hear the Audience:**

Meeting floor was opened for Hear the Audience. This item is for comments/questions relating to topics not listed on this meeting's Agenda.

Mr. Scott Fredeman, address 342 Amberjack Lane, Poinciana, Florida 34759, addressed the Board to request an installment plan for water and sewer connection fee. Advised that he was later told that his property was not eligible for the payment plan. Mr. Fredeman is requesting an appeal of that determination. Executive Director Swingle advised that the payment plan that Mr. Fredeman is requesting. Executive Director recommended the Board approve an exception to the payment plan and authorize the requested installment plan, as requested by Mr. Fredeman.



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Motion to approve appeal made by Scott Fredeman to allow for installment payment plan for sewer connection fees made by Supervisor Askew. Motion seconded by Supervisor Lizasuain. Motion approved 7-0

No further comments were received and Hear the Audience was closed.

7. Consent Agenda

7A. TOHO WATER AUTHORITY BOARD OF SUPERVISORS' REGULAR MEETING MINUTES OF JANUARY 17, 2024

Staff recommends the approval of the Board Meeting minutes from **January 17 2024**. (Cost: None) (Smith)

7B. APPROVAL OF A \$9,882 ADDENDUM #3 TO THE DESIGN AND CONSTRUCTION SERVICES AGREEMENT WITH TETRA TECH FOR THE LS57 – MARTIN STREET – PHASE 1 GRAVITY SEWER REHABILITATION PROJECT, INCREASING THE TOTAL NOT-TO-EXCEED REQUEST TO \$440,563.

The existing approved Board authorization is \$430,681. Staff requests approval of this addendum to increase the total not-to-exceed authorization to \$440,563, based upon this addendum of \$9,882. 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: Previously authorized (1/20/2021 – 7J) with Approved Design Scope of \$374,505 and Approved Contingency of \$56,176 giving a previously authorized Total of \$430,681. This request of \$9,882 for a Total Request of \$440,563.) (Noyes)

7C. PULLED

7D. APPROVAL OF A \$585,617.00 DESIGN SCOPE OF SERVICES WITH BLACK AND VEATCH AND A \$20,000.00 CONTINGENCY FOR THE HOAGLAND BOULEVARD WATERMAIN EXTENSION PROJECT

Staff requests approval of a total not-to-exceed authorization of \$605,617 which includes a base authorization amount of \$585,617 plus a \$20,000 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 Design Scope of Services of \$585,617 and Requested Contingency of \$20,000, for a Total Request of \$605,617.) (Smart)



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- 7E. **APPROVAL OF \$775,000 IN ADDITIONAL CONTINGENCY TO ADDRESS UNFORSEEN UTILITY RELOCATIONS REQUIRED FOR THE ORANGE BLOSSOM TRAIL AND OSCEOLA PARKWAY FDOT TRAFFIC SIGNALS PROJECT INCREASING THE TOTAL APPROVED FUNDING TO \$1,758,305.**

The existing approved Board authorization is \$983,305.00. Staff requests approval of this \$775,000.00 additional contingency to increase the total not-to-exceed authorization to \$1,758,305.00. 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 expenditures remain within the total not-to-exceed contract limit approved by the Board. (Cost: Previously authorized (Addendum 1) of \$894,305 with previously authorized contingency of \$89,000 and this request of \$775,000 for a total requested amount of \$1,758,305.) (Burgess)

- 7F. **APPROVAL OF A \$714,118.83 BID AND CONSTRUCTION CONTRACT AWARD TO INSITUFORM TECHNOLOGIES FOR THE LS-208 GOODMAN ROAD PRIORITY GRAVITY SEWER REHABILITATION PROJECT. THE BOARD IS ALSO REQUESTED TO APPROVE A \$72,000 CONSTRUCTION CONTINGENCY FOR A TOTAL AUTHORIZATION OF \$786,118.82**

Staff requests award and execution of the construction contract with Insituform Technologies for the LS-208 Goodman Road Priority Gravity Sewer Rehabilitation Project. This request includes an awarded total of \$714,118.83 plus a contingency of \$72,000 a total authorization of \$786,118.83. Staff further requests authorization for the Executive Director/CEO to execute any such documents as are necessary to expend any contingency provided that the contract expenditure remains within the total not to exceed contract amount approved by the Board. (Cost: This request of Awarded Construction Contract for \$714,118.83 and requested contingency of \$72,000 for a total this request of \$786,118.83.) (Noyes)

- 7G. **EQUIPMENT STANDARDIZATION FOR THE WATER RECLAMATION FACILITIES**

Staff requests approval to the attached standards for WRF equipment and the flexibility for the Executive Director/CEO to allow deviations from such standards on a case by case basis following appropriate documentation and review. (Cost: None.) (Toomey/Jensen)

- 7H. **PULLED**

- 7I. **APPROVAL OF THE BID WAIVER PURCHASE FOR SOUTH BERMUDA WRF SWITCHGEAR PLC REPLACEMENT PROJECT FROM TAW POWER SYSTEMS, INC. (BW-24-077)**

Staff recommends approval of the Bid waiver and Purchase from TAW Power Systems, Inc., for South Bermuda WRF Switchgear PLC Replacement Project. (Cost: Not to Exceed \$315,850.) (Vednor)



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7J. APPROVAL OF THE SECOND AMENDMENT TO THE AGREEMENT WITH PROFESSIONAL PIPING SERVICES INC. FOR POLY PIG PIPE CLEANING SERVICES, (IFB-20-128)

Staff recommends approval of the Second Amendment to the Agreement for Poly Pig Pipe Cleaning Services IFB-20-128. Staff further requests 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. (Cost: An additional \$300,000 for a total cumulative not-to-exceed amount of \$854,200 for Professional Piping Services, Inc. for the term of the Agreement.) (Nunez)

7K. APPROVAL OF THE AGREEMENT FOR THE PURCHASE WIRELESS ETHERNET REMOTE TELEMTRY UNITS FROM INTEGRATED POWER SYSTEM LLC (IFB-24-056)

Staff recommends approval of the Agreement with Integrated Power Systems, LLC for the purchase of Wireless Ethernet Remote Telemetry Units. (Cost: \$2,399,490 for the term of the Agreement.) (Weber)

7L. APPROVAL OF A \$2,508,257.74 FORCE MAIN, POTABLE WATER AND REUSE MAIN INSTALLATION AND UPSIZING REIMBURSEMENT TO GREYSTAR DEVELOPMENT EAST, LLC, THE MARLOWE APARTMENTS DEVELOPER

Staff requests approval of a total not-to-exceed reimbursement of \$2,508,257.74 to Greystar Development East LLC. 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. (Cost: This request for Force Main Upsizing of \$71,606.85 with Water Main Upsizing and New Construction Installation of \$499,641.66 and Reclaim Main Upsizing and New Construction Installation of \$1,937,009.23 making a Total Not To Exceed Request of \$2,508,257.74.) (Clough)

7M. APPROVAL OF THE FIRST AMENDMENT FOR THE AGREEMENT WITH XYLEM DEWATERING SOLUTIONS, INC. FOR BYPASS PUMP RENTALS FOR EMERGENCY and NON-EMERGENCY SITUATIONS (IFB-22-069-01)

Staff recommends approval of the First Amendment to the Agreement with Xylem Dewatering Solutions for the by-pass rental services in emergency and non-emergency situations under Agreement No. IFB-22-069. Staff further requests 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. (Cost: An additional \$425,000 for a total cumulative not-to-exceed amount of \$1,325,000 for Xylem Dewatering Solutions, Inc. for the term of the Agreement.) (Nunez)

7N. APPROVAL OF A \$7,467,750 GUARANTEED MAXIMUM PRICE (GMP) ADDENDUM (INCLUDING AN OWNER'S CONTINGENCY OF \$500,000)



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WITH VOGEL BROTHERS FOR CONSTRUCTION OF THE HARMONY WATER RECLAMATION FACILITY (WRF) EXPANSION PROJECT (IFB-23-112) INCREASING THE TOTAL BOARD AUTHORIZATION FROM \$3,085,241 TO \$10,552,991.

The existing approved Board authorization is \$3,085,241. Staff requests approval of this Addendum to increase the total not-to-exceed authorization to \$10,552,991, based upon this Addendum of \$7,467,750. (Cost: This Request (Addendum 3) for Harmony WRF Expansion GMP of \$7,467,750. Previously Approved Addendum 1 for CMAR Services for Expansion and Construction Cost for Expediated Disc Filter Relocation task of \$2,619,053 and Contingency of \$200,000 and Addendum 2 for Mechanical Screen Pre-purchase of \$266,188 making a Total Approved Project Funding of \$10,552,991.) (Zhou)

7O. APPROVAL OF A DEVELOPER'S SERVICE AGREEMENT WITH BROOKFIELD HOLDINGS (HAM BROWN), LLC FOR THE HAM BROWN RESERVE PROJECT

Staff recommends approval of the Ham Brown Reserve Developer's Service Agreement. (Cost: None.) (Vargas)

7P. APPROVAL OF A \$142,040.65 POTABLE WATER AND REUSE MAIN UPSIZING REIMBURSEMENT REQUEST FOR THE NARCOOSSEE COMMONS NORTH DEVELOPMENT AND DELEGATE TO THE EXECUTIVE DIRECTOR/CEO AUTHORIZATION TO NEGOTIATE AND EXECUTE A REIMBURSEMENT AGREEMENT.

Staff requests approval of a total not-to-exceed reimbursement of \$142,040.65 to Narcoossee Commercial, LLC. Staff further requests the Board delegate to the Executive Director/CEO authority to negotiate and execute a reimbursement agreement for the not-to-exceed Board approved reimbursement amount. (Cost: This request for Reuse and Water Main Upsizing of \$142,040.65.) (Clough)

7Q. APPROVAL OF A \$509,517 ADDENDUM WITH TETRA TECH FOR DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE ORANGE GARDENS SEWER AND WATER MAIN REPLACEMENT PROJECT. THE BOARD IS ALSO REQUESTED TO APPROVE A \$51,000 CONTINGENCY FOR A TOTAL AUTHORIZATION OF \$560,517

Staff requests approval of a total not-to-exceed authorization of \$560,517 which includes a base authorization of \$509,517 plus a \$51,000 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 Design Scope of Services of \$509,517 and Request Contingency of \$51,000 making a Total this Request of \$560,517.) (Noyes)

7R. PULLED



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7S. **PULLED**

7T. **APPROVAL OF COST-SHARING AND EASEMENT AGREEMENT FOR NON-POTABLE IRRIGATION WATER SYSTEM AND TEMPORARY IRRIGATION PUMP FOR RESIDENTIAL COMMUNITY KNOWN AS BRIDGEWALK, A/K/A SOUTHERN OAKS PD, A/K/A SPRINGHEAD LAKE**
Staff recommends the Board approve and execute Cost-Sharing and Easement Agreement for Non-Potable Irrigation Water System and Temporary Irrigation Pump for Residential Community Known as Bridgewalk, a/k/a Southern Oaks PD, a/k/a Springhead Lake. (Cost: Irrigation Pump System of \$953,175.61 with Temporary Irrigation Pump costs of \$142,855.00 making a Total Costs of \$1,096,030.61.) (Cotter)

7U. **APPROVAL OF THE SIXTH AMENDMENT WITH THRIFT HOUSE CLEANERS D/B/A CENTRAL FLORIDA UNIFORM RENTAL FOR THE RENTAL AND CLEANING OF UNIFORMS AND OTHER RELATED ITEMS SERVICES (RFP-17-052)**

Staff recommends approval of the Sixth Amendment to the Agreement, with Central Florida Uniform Rental for Rental and Cleaning of Uniforms and Other Related Items. Staff further requests Board delegate the authority to the CEO/Executive Director to execute the Sixth Amendment to the agreement. (Cost: \$50,000 and not to exceed \$ 710,000 for the term of the agreement.) (Weber)

Motion to approve Consent Agenda items, made by Supervisor White. Motion was seconded by Supervisor Ketchum. Motion passed 7-0.

8. Informational presentations:

8A. **QUARTERLY INVESTMENT REPORT BY PFM GROUP – QUARTER ENDING DECEMBER 31, 2023**

For information only. No action required by the Board. (Cost: None) (Henderson) Presentation made by PFM Group regarding inflation and future projected rate cuts. Addressed the consumer price index continuing to decrease, with the economy to continue to be strong and above expectation, with interest rates expected to decline. Advised that Toho's portfolio investments showing a strong performance.

8B. **QUARTERLY FINANCIAL SUMMARY THRU DECEMBER 31 2023.PPT WILL BE PROVIDED AT THE BOARD MEETING**

For information only. No action required by the Board. (Cost: None) (Villarosa) Finance Manager, Timothy Villarosa provided a quarterly financial summary with regard to Toho revenue and expenditures. Discussed budget vs actual spending, with the income analysis numbers trending well. System



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Development Charges slow in September and October, with an increase in December. Executive Director Swingle briefly addressed the issue noted there to be a great number of movement across the board with the additional costs as a result of the St. Cloud.

9. **Unfinished business:** None.

10. **New business:**

10A. **APPROVAL OF RESOLUTION OF THE BOARD OF SUPERVISORS OF TOHOPEKALIGA WATER AUTHORITY ADOPTING APPROVAL/SIGNATURE AUTHORITY POLICY; REPEALING AND SUPERSEDING PRIOR RESOLUTIONS AS THEY RELATE TO DELEGATION OF ANY APPROVAL OR SIGNATURE AUTHORITY BY THE BOARD OF SUPERVISORS OR OTHERWISE CONFLICT WITH THE HEREIN ADOPTED POLICY; PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE**

Staff recommends the Board adopts Resolution 2024-002 and the attached Approval/Signature Authority Policy. (Cost: None.) (Cotter)

Executive Director Swingle discussed the significant proposed changes to the current signing authority. Intended to establish a number of categories to authorize staff at various levels for signing approval.

Motion to approve made by Supervisor Lizasuain. Motion was seconded by Supervisor Askew. Motion passed 7-0.

10B. **APPROVAL OF RESOLUTION OF THE BOARD OF SUPERVISORS OF TOHOPEKALIGA WATER AUTHORITY DIRECTING AND AUTHORIZING GENERAL COUNSEL TO PURSUE COURT ORDERS TO SUSPEND SERVICES TO PROPERTIES WITH DELINQUENT ACCOUNTS PURSUANT TO SECTION 633.124(2), FLORIDA STATUTES; PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.**

Staff recommends the Board approve and execute Resolution 2024-003 delegating authority to Office of General Counsel to seek court orders authorizing termination of water and/or wastewater services to delinquent commercial property accounts without a designated fire suppression system. (Cost: None) (Cotter) Executive Director Swingle addressed the need to approve this Resolution to provide delegation of authority to seek court orders for disconnection service for those properties without dedicated fire line suppression system. Supervisor White voiced his preference to have approval with consultation with Board Chairman. TS explained that the balances for these situations would be for those accounts with a sizable past due amounts.



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Motion to approve Item 10B, which was heard immediately after the Consent Agenda Items, for Resolution 2024-003 directing and authorizing General Counsel, in consultation with the Board Chairman, to pursue a court order to suspend services due to delinquent accounts for those properties without a dedicated fire line, was made by Supervisor White. Motion was seconded by Supervisor Lizasuain. Motion passed 7-0.

- 10C. **APPROVAL OF THE CONSTRUCTION MANAGER AT RISK (CMAR) AGREEMENT WITH WHARTON-SMITH WITH THE \$180,000 PRECONSTRUCTION SERVICES AND APPROVE A \$20,000 CONTINGENCY FOR THE TOHO RESERVOIR SURFACE WATER TREATMENT FACILITY PROJECT CMAR SERVICES (IFB-24-059). THE TOTAL BOARD AUTHORIZATION REQUEST IS \$240,000.**

Staff requests approval of the Construction Manager at Risk Agreement for the \$180,000 preconstruction services with Wharton-Smith for the Toho Reservoir Surface Water Treatment Facility project. Staff also requests approval of a \$20,000 contingency for a total not-to-exceed authorization of \$200,000. 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: This Request for CMAR Services - Base Bid Only of \$180,000 and Contingency for a Total Project Funding Request of \$200,000.) (Pelham)

Executive Director Swingle discussed the increasing volatility in prices involving pipe line work, with substantial differences noted between bidders. Advised that plant bids are coming in very high, with other bids for pipe lines coming into line with anticipated bid amounts. TS noted that only asking for approval for preconstruction services with the intention of general conditions to be brought back for further discussion and approval. Chairman Thacker noted approval to find ways to save money.

Motion to approve made by Secretary Land. Motion was seconded by Supervisor Ketchum. Motion passed 7-0.

- 10D. **EMPLOYEE COMMEMORATION – VICTOR WINKLER**

Staff recommends the Board authorize the naming of the Poinciana Field Services Building in commemoration of long-time employee, Victor Winkler. (Cost: None) (Smith)

Presentation was made by Toho Field Operations Supervisor, Josh Leslie, requesting approval for naming of Toho facility in commemoration of long-time Toho employee, Victor Winkler, who recently passed away.

Motion to approve made by Secretary Land. Motion was seconded by Supervisor Ketchum. Motion passed 7-0.

11. **Staff reports:**



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11A. **WATER CONSERVATION 1ST QTR FISCAL YEAR 2024**

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

11B. **INFRASTRUCTURE EMERGENCY REPAIR STATUS**

Information only. No action is required by the Board. (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)

11C. **CONSTRUCTION CONTINGENCY USAGE STATUS REPORT**

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

12. **Comments:**

Board Officials – Commissioners Grieb thanked everyone for his nomination in receiving the NACWA Award.

Supervisor Ketchum thanked everyone for their support regarding the recent fair. No additional comments were received from the Board members.

Executive Director – Requested approval for an additional Board meeting to allow for audit approval, with proposed dates of either March 26th or 27th. Discussion held between Board members and Executive Director Swingle, with a consensus for the meeting to be held on March 26th at 5:00pm. Thanked staff for work on legislative bills. Executive Director Swingle thanked the Procurement Department for all of the extra work resulting from the increased construction work. Executive Director Swingle noted the changes to paving requirements resulting in issues with paving restoration. Executive Director Swingle expressed his appreciation to have the ability to highlight the Board with regard to our Board and their work.

General Counsel – General Counsel Cotter thanked Field and Operation staff for their attendance in supporting commemorating Victor Winkler.

13. **Upcoming Events:**

Intro a Girl to Engineering Day	2/22/2024
UF/IFAS Annual Master Garden Plant Market	2/24/2024
Osceola Council on Aging Gala	2/24/2024
Leap Day	2/29/2024
Procurement Month	3/1/2024
Women's History Month	3/1/2024
Sheriff's Office Community Appreciation Day	3/2/2024
Florida's Birthday	3/3/2024
2023 Educator Awards	3/6/2024
International Day Women's Day	3/8/2024



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Remembrance Ceremony – City of Kissimmee	3/8/2024
Dine With the Departed	3/9/2024
Daylight Saving Time	3/10/2024

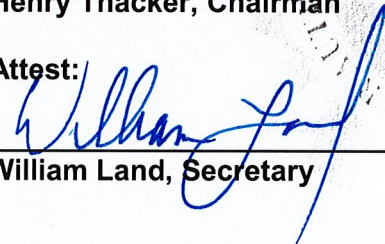
14. Adjournment:

There being no further business to come before the Board, the meeting was adjourned at 5.40pm by Secretary Land.

Approved:


Henry Thacker, Chairman

Attest:


William Land, Secretary
