



951 Martin Luther King Boulevard, Kissimmee, FL

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**Board of Supervisors
Regular Meeting Minutes
Wednesday March 13, 2024**

Present:

Chairman - Henry Thacker
Vice Chairman – Rayelynn Ketchum
Supervisor – John McAleenan
Secretary - William Land
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
Ex-officio Board Member, Polk County, Rick
Wilson.

Absent: Supervisor - Hector Lizasuain

1. **Meeting called to order by:** Henry Thacker at 5.00pm.
2. **Moment of Silent Reflection and Pledge of Allegiance** led by Secretary Land.
3. **Approval of the Agenda**

Motion to approve the Agenda, made by Secretary Land. Motion seconded by Vice-Chair Ketchum. Motion passed 6-0.

4. **Awards and Presentations:**

4A. **PROCLAMATION RECOGNIZING MARCH 18 THROUGH 24 AS FIX A LEAK WEEK**

Board approval of the Proclamation recognizing March 18 through 24 as Fix-a-Leak Week. (Cost: None) (Floer)

WaterSense, a voluntary partnership program sponsored by the U.S. Environmental Protection Agency (EPA), has established the week of March 18-24, 2024 as Fix a Leak Week - a unique opportunity for both water professionals and communities to join together to recognize that household leaks can waste nearly 1 trillion gallons of water annually nationwide. Toho Water Authority would like to proclaim March 18 through 24 as Fix-a-Leak Week and encourage residents and businesses to check for leaks inside their homes and businesses. The average household's leaks can account for nearly 10,000 gallons of water wasted every year and ten percent of homes have leaks that waste 90 gallons or more per day.



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Motion to approve was made by Supervisor McAleenan. Motion seconded by Vice-Chair Ketchum. Motion passed 6-0.

4B. PROCLAMATION RECOGNIZING APRIL AS WATER CONSERVATION MONTH

Board approval of the Proclamation recognizing April as Water Conservation Month. (Cost: None) (Floer)

For nearly 30 years, Florida has established April as Water Conservation Month - a unique opportunity for both water professionals and the communities they serve to join together to recognize the vital role water plays in our daily lives. Toho Water Authority would like to celebrate and proclaim April 2024 as Water Conservation Month. We celebrate along with the State of Florida, Water Management Districts, the cities of St. Cloud and Kissimmee, Osceola County, the American Water Works Association, and the entire community, in our commitment to conserve water for today and generations to come.

Motion to approve was made by Supervisor White. Motion seconded by Supervisor McAleenan. Motion passed 6-0.

The Board joined a photo opportunity, taken by the Communications team, relating to each Proclamation.

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. 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 FEBRUARY 21, 2024

Staff recommends the approval of the Board Meeting minutes from February 21, 2024. (Cost: None) (Smith)

7B. APPROVAL OF A LOW BID \$798,755 CONSTRUCTION CONTRACT WITH CATHCART CONSTRUCTION COMPANY, LLC AND A \$80,000.00 CONTINGENCY FOR THE MAPLE RUN WATERMAIN EXTENSION PROJECT FOR A TOTAL AUTHORIZATION OF \$878,755.

Staff requests approval of a total not-to-exceed authorization of \$878,755 which includes a base construction contract authorization



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amount of \$798,755 plus a \$80,000 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 Construction Bid Amount of \$798,755 and Requested Contingency of \$80,000 for a total not-to-exceed \$878,755.) (Smart)

7C. APPROVAL OF SEVEN PRE-QUALIFIED WELL DRILLING FIRMS TO BID WELL CONSTRUCTION PROJECTS OVER THE NEXT FIVE YEARS (RFQU-24-057)

Staff recommends approval of the seven pre-qualified well drilling firms to bid well drilling services for the construction of water supply and/or injection well projects. (Cost: No costs are associated with this well driller prequalification. Each well bid project exceeding the Executive Director/CEO's authorization authority will be submitted for Board consideration.) (Pang)

7D. APPROVAL OF A \$539,307 CONSULTANT SERVICES AGREEMENT AND SCOPE OF SERVICES WITH AECOM TECHNICAL SERVICES, INC. AND APPROVE \$50,000 CONTINGENCY FOR THE PARKWAY WATER RECLAMATION FACILITY EXPANSION PROJECT (RFQu-23-164). THE TOTAL BOARD AUTHORIZATION REQUEST IS \$589,307.

Staff requests approval of a total-not-to exceed authorization of \$589,307 which includes a scope of services base authorization amount of \$539,307 plus a \$50,000 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: This request for the Initial Scope of Services of \$539,307 plus Contingency of \$50,000 for a total not-to-exceed Project Funding Request of \$589,307.) (Jung)

7E. APPROVAL OF THE RANKING OF FIRMS AND THE SELECTION OF THE TOP RANKED FIRM INWOOD CONSULTING ENGINEERS TO PROVIDE ENGINEERING CONSULTING SERVICES FOR DESIGN, PERMITTING, BIDDING, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE JACK BRACK ROAD WATER, WASTEWATER AND REUSE UTILITY RELOCATIONS AND REUSE MAIN EXTENSION PROJECT

Staff recommends Board approve the ranking of the firms and the selection of Inwood as the top ranked firm. If a scope of services negotiation with Inwood cannot be concluded to staff's satisfaction, staff requests authorization to begin negotiations with the second ranked firm, CMA.) (Cost: None at this time. A scope of services and fee will be submitted to the Board for approval at a future meeting.) (Forson)

7F. APPROVAL OF AN EXTENSION TO THE AGREEMENT WITH



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SHELLEY'S SEPTIC TANK, INC. D/B/A SHELLEY'S ENVIRONMENTAL SYSTEMS FOR BIOSOLIDS DISPOSAL AND/OR BENEFICIAL REUSE SERVICES (RFP-16-015)

Staff recommends approval of the final two-year extension of the Agreement with Shelley's Septic Tank, Inc. d/b/a Shelley's Environmental Systems (RFP-16-015). 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: \$2.5M per year throughout term of Agreement.) (Cairns)

7G. APPROVAL OF AN ADDITIONAL \$50,000 CONTINGENCY FOR THE RANCH WELL AND IRRIGATION FACILITY PROJECT FOR CONSULTING SERVICES WITH TETRA TECH INCLUDING WELL CONSTRUCTION OBSERVATION AND THE RELOCATION OF GOPHER TORTOISES. THE REQUEST, IF APPROVED, INCREASES THE TOTAL BOARD AUTHORIZATION TO \$445,363

The existing approved Board authorization is \$395,363. Staff recommends approval of additional funding of \$50,000 to increase the total not-to-exceed authorization to \$445,363. Staff further requests authorization for the Executive Director/CEO to execute any such documents as are necessary to expend any contingency provided the total contract expenditures remain within the total not-to-exceed contract and contingency limit approved by the Board. (Cost: This Contingency Request of \$50,000 (Additional Consulting Services), Tetra Tech Contract of \$340,363 approved on December 14, 2022 and the Previous Contingency Requests for \$55,000 (the original request) for a total not-to-exceed Project Funding of \$445,363.) (Beatty)

7H. APPROVAL OF THE RANKING OF FIRMS AND SELECTION OF THE TOP RANKED FIRM, AECOM TECHNICAL SERVICES, INC., TO PROVIDE ENGINEERING CONSULTING SERVICES FOR THE NORTHWEST WATER TREATMENT PLANT UPGRADE PROJECT.

Staff recommends Board approval the ranking of the firms and the selection of AECOM as the top ranked firm. If a scope of services negotiation with AECOM cannot be concluded to staff's satisfaction, staff requests authorization to begin negotiations with the second ranked firm, CPH, Inc. (Cost: None at this time. A scope of services and associated fee will be submitted to the Board for approval at a future meeting.) (Webster)

7I. APPROVAL OF EXTENSION TO THE AGREEMENT WITH UNIVERSAL CONTROL INSTRUMENT SERVICES FOR FLOW METER CALIBRATION AND REPAIR (IFB-22-037) THROUGH APRIL 12, 2026.

Staff recommends approval of the extension to the Agreement with Universal Control Instrument Services for Flow Meter Calibration and Repairs Services IFB-22-037 through April 12, 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 total



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not-to-exceed amount limit approved by the Board. (Cost: An additional \$256,000 for a total cumulative not-to-exceed amount of \$512,000 for Universal Controls Instrument Services, LLC. for the term of the Agreement.) (Cairns)

7J. APPROVAL OF THE AGREEMENT WITH EXPERT CONSTRUCTION MANAGERS, INC FOR HARMONY WATER TREATMENT PLANT SCADA TOWER REPLACEMENT (IFB-24-054)

Staff recommends approval of the Agreement, with Expert Construction Managers, Inc. for Harmony Water Treatment Plant SCADA Tower Replacement. (Cost: Not-to-Exceed \$299,000.) (Cairns)

7K. APPROVAL OF THE LOW RESPONSIVE \$3,756,637 BID AND CONTINUING CONSTRUCTION MANAGER AT RISK CONSTRUCTION CONTRACT ADDENDUM WITH VOGEL BROS. BUILDING CO. FOR THE SANDHILL WATER RECLAMATION FACILITY FILTER, BIOSOLIDS AERATION, AND REJECT DIVERSION PROJECT. THE BOARD IS ALSO REQUESTED TO APPROVE A \$300,000 CONTINGENCY FOR A TOTAL BOARD AUTHORIZATION OF \$4,056,637 [IFB-24-053]

Staff requests award and execution of the Continuing Construction Manager at Risk construction contract addendum with Vogel Bros. Building Co. in the amount of \$3,756,637 and a contingency of \$300,000 for a total not-to-exceed authorization of \$4,056,637. 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 Construction Contract Addendum of \$3,756,637 and requested Contingency of \$300,000, for a total this Request of \$4,056,637.) (Eversole)

7L. APPROVAL OF A \$549,585.60 DESIGN SCOPE OF SERVICES WITH CHA CONSULTING, INC. AND A \$50,000 CONTINGENCY FOR THE TOHO EAST SOUTHSIDE WATER RECLAMATION FACILITY DEWATERING SYSTEM EXPANSION PROJECT [RFQU-22-099]

Staff requests approval of the contract addendum and a total not-to-exceed authorization of \$599,585.60 which includes a scope of services base authorization of \$549,585.60 plus a \$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 Design Scope Services of \$549,585.60 and requested Contingency of \$50,000.00 for a total this request of \$599,585.60.) (Eversole)

7M. APPROVAL OF MARCH – 2024 ASSET DISPOSAL

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



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7N. APPROVAL OF THIRD AMENDMENT TO AGREEMENT WITH OSCEOLA COUNTY COUNCIL ON AGING - TOHO ASSISTANCE PLUS PROGRAM (TAP PLUS)

Staff seeks Board approval for the Third Amendment to the Agreement with Osceola County Council on Aging TAP Plus Program. (Cost: \$150,000 is set aside in the Toho budget to cover assistance during FY24.) (Havey)

7O. APPROVAL OF FIRST AMENDMENT FOR IFB-23-121 SIDEWALK CURB GUTTER PAVEMENT REPAIR SERVICES

Staff recommends approval of the 1st Amendment to the Agreement for Sidewalk Curb Gutter Pavement Repair Services IFB-23-121 for both CM Engineering Services Florida, PLLC and Asphalt 365 INC. We are 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. (Cost: Staff is requesting an increase of \$1,962,040 for a total cumulative not-to-exceed amount of \$6,162,040 for CM Engineering Services Florida, PLLC and Asphalt 365 INC for the term of the Agreement.) (Weber)

**Motion to approve Consent Agenda items, made by Vice-Chair Ketchum.
Motion was seconded by Supervisor Askew. Motion passed 6-0.**

8. Informational presentations:

8A. LEAD AND COPPER INSPECTION PROGRAM

Informational only. No action required by Board. (Cost: None) (Cudahy)

Nina Cudahy, Environmental Compliance Manager, introduced herself and presented the update on Toho's inspection program. Toho does already have an existing program, with technicians providing sampling kits to around 500 residents and collecting them for testing. The presentation detailed Toho's current approach and the New Regulations being applied for this Fall, noting that Toho are on track to meet those deadlines. The current aim is to assist around 240 schools with collecting their samples for lead testing and share the results with them, providing mitigation options. Executive Director Swingle advised Toho would be covering the testing cost of these schools, as the largest concern is with the children in day cares and school district. School district will also be trying to obtain grants to assist with that cost.

127 inspections have already been completed in the Toho service area, where Toho are inspecting up to 400 sites, using the data in a predictive modelling tool, rather than inspecting all Toho service lines, and that produces a huge cost savings to Toho. To date no lead lines have been identified. Door hangers and crib cards are available for customers and teams, to inform them of the sampling in their area, also directing customers to our website PFAS information. Over the Summer, Toho will develop the service line replacement



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plan. Toho has applied for funding and will use the special leverage to raise the funding required. Board questioned if customers could volunteer to be part of the 500 sites for testing and that is possible, or they can apply for a sampling kit, depending on criteria. Executive Director Swingle was very appreciative of having Nina Cudahy as part of the Toho team.

Executive Director Swingle advised that the rule includes the piece from the main to the water line and then the water meter to the home. Some utilities are doing full replacements on their costs, but that is not Toho's approach, as this is the property owner responsibility. Toho would provide qualifying individuals with some opportunity for true deferrals or for payment plans in this respect. Some of the older sections of Kissimmee and St Cloud, with cast iron mains, do often have goose-neck component in lead and will exist in some older Toho systems. These will be part of the replacement process by Toho, which is aimed at any service line below 2" – noting that commercial lines are generally larger and that lead, generally, was not used on the larger lines. The Board agreed these were very good options and appreciated the approach.

8B. FY24 MID-YEAR SPONSORSHIP REPORT

Informational only. No action required by Board. (Cost None) (Floer)

Jamie Floer, Communications Manager, presented the Sponsorship report. The presentation detailed examples of where last year's funds were allocated. Next steps included a Coaching Session in May, for how teams can apply for our process, the Call for Sponsorships from June 15-July 15, and the recommendations for the FY25 Approval of Sponsorship, taking place at the September 2024 Board. Only five FY2024 sponsor recipients have not yet applied for their funds but Communications were following-up with these teams. Supervisor McAleenan wanted to acknowledge how great the Toho Communications team were, from water hydration, social media representation and their community spirit - he shared his great appreciation.

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: 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)

11B. MONTHLY FINANCIAL REPORT ENDING JANUARY 31, 2024

Informational only. No action required by Board. (Cost: None) (Villarosa)



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12. Comments:

Board Officials – None from Board Members

Executive Director – The legislative session has now wrapped up. There DEP bill passed and may require advanced wastewater treatment in BMAP areas, but not in all cases, only where needed to achieve BMAPs. We had funding for Pine Lake, additional funding, did not make it through the budget process although the project continues. Special District bill was passed where future expansions to our territory will need modification of the special act, rather than the local agreement currently. There is a requirement for an annual report, staff will assess what that will look like during the budget process. Executive Director Swingle was advised by Congressman Soto that Toho made it through the Washington DC process and would receive \$960,000 to Reaves Road Force Main Replacement Project and \$697,000 for the Downtown Water Main Replacement Project. A further water Witted Neighborhood in Narcoossee is served on private wells and will move to centralized piping to our system. Executive Director Swingle would be in DC Monday – Thursday next week, meeting with delegation, for low income assistance and emerging contaminant concerns.

General Counsel – No comments. Supervisor McAleenan if the disconnect for the large building recently discussed had proceeded further. Chairman Thacker confirmed that General Counsel Cotter had advised payments had recommenced on this account so no disconnect was progressed at this point. Executive Director Swingle confirmed and was very pleased to say this was a positive reaction to the ongoing communication with the customer.

13. Upcoming Events:

PI Day	3/14/2024
March for Meals 5K	3/16/2024
Paint the Cloud Green Parade	3/16/2024
St. Patrick's Day	3/17/2024
Financial (Government) Professionals Week	3/18/2024
Fix-A-Leak Week	3/18/2024
World Down Syndrome Day	3/21/2024
World Water Day	3/22/2024
Kowtown	3/23/2024
Walk Mile in Her Shoes	3/27/2024
Hop on Downtown	3/30/2024
Easter	3/31/2024
Autism Awareness Month	4/1/2024
Water Conservation Month	4/1/2024



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April Fool's Day	4/1/2024
Arts Alive Showcase	4/5/2024
UCP Poker Tournament	4/5/2024

14. Adjournment:

There being no further business to come before the Board, the meeting was adjourned at 5:32pm by Chairman Thacker.

Approved:


Henry Thacker, Chairman

Attest:


William Land, Secretary
