

**Board Meeting Date:** 11/13/2024

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**Category:** Consent Agenda

**Agenda Item:** **7A**

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**Department:** Executive Office

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**Attachments:**  
October 30th, 2024, Meeting Minutes

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**Title:**  
**TOHO WATER AUTHORITY BOARD OF SUPERVISORS' REGULAR MEETING  
MINUTES OF October 30, 2024**

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**Summary:**

At every Board meeting, minutes are taken of the proceedings. Attached are the minutes from the October 30, 2024 Board Meeting.

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**Total Costs:**  
None.

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**Recommendation:**  
Staff recommends the approval of the Board Meeting Minutes from October 30, 2024.

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**Owner:** A. Smith



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**Board of Supervisors  
Regular Meeting Minutes  
Wednesday October 30, 2024**

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**Present:**

Chairman - Henry Thacker  
Vice Chairman – Rayelynn Ketchum  
Supervisor - Hector Lizasuain  
Supervisor – Dave Askew  
Supervisor – John McAleenan  
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.

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**Absent:** Secretary – Tom White, Supervisor – Skip Stellfox.

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1. **Meeting called to order by:** Chairman Thacker at 5.02pm.
2. **Moment of Silent Reflection and Pledge of Allegiance** led by Chairman Thacker.
3. **Approval of the Agenda**

**Motion to approve the Agenda, made by Vice Chair Ketchum. Motion seconded by Supervisor Askew. Motion passed 5-0.**

**3A. Election of Board Officers (Smith)**

Board was requested to review and appoint officers including an Assistant Secretary for situations as needed when the Board Secretary is unavailable.

**Motion to keep all elected positions – Chairman Thacker, Vice Chair Ketchum, Secretary White and Assistant Secretary Askew – was made by Supervisor McAleenan. Motion seconded by Supervisor Lizasuain. Motion passed 5-0.**

CEO/Executive Director Swingle proposed reappointing Supervisor Lizasuain as Toho's representative on the Water Cooperative of Central Florida Board (WCCF) for a further two-year period.

**Motion made by Chairman Thacker; motion was seconded by Supervisor Askew. Motion passed 5-0.**

4. **Awards and Presentations:** None
5. **Public Hearing:** None





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**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.

Arnold Hutchinson, Parthenon Homes, purchased a property lot and applied to Toho re water connections and regarding CIAC status. He received a response saying this was not in CIAC, development proceeded and then it was found to fall under CIAC ruling, which included another \$22k as a community assessment. Mr Hutchinson was denied his request to be removed from falling within CIAC.

CEO Swingle agreed the information was accurate, an availability letter was issued in Feb 2022, at time of CIAC program going into place, although it did not refer to the CIAC program specifically – since modified to include. At implementation of CIAC program, a notice was filed with county. This request was denied, as the purchase was after the implementation of CIAC and the CIAC notice was filed. Both the Title Company and buyer had a due diligence to identify any costs associated and there was not an oversight for Toho.

Toho had not previously granted payment relief, but the Board had approved the ability to collect those funds at the time of sale, within one year, or add as an assessment on the tax bill. There was no recommendation for an exemption for this case in relation to payment. The Board has the option to add leniency.

**Motion to keep payment as is but with the ability to collect those funds at the time of sale, within one year maximum, or add as an assessment on the tax bill, as applied to previous similar case, was made by Supervisor Lizasuain, seconded by Vice Chair Ketchum. Motion passed 5-0.**

**7. Consent Agenda**

**7A. TOHO WATER AUTHORITY BOARD OF SUPERVISORS' REGULAR MEETING MINUTES OF SEPTEMBER 11, 2024**

Staff recommends the approval of the Board Meeting minutes from September 11, 2024. (Cost: None) (A. Smith)

**7B. APPROVAL FOR THE CEO/EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE A LETTER AGREEMENT WITH CREEK RANCH MITIGATION BANK, LLC., FOR THE ACQUISITION OF THE GROUNDWATER ALLOCATION UNDER THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT WATER USE PERMIT ASSOCIATED WITH "CREEK RANCH."**

Staff requests authorization for the CEO/Executive Director to negotiate with Creek Ranch to develop and execute an Agreement for Toho to acquire the allocation under SFWMD WUP #53-00290-W consistent with the Agreement deal points provided in this Agenda Memorandum. (Cost: A Reimbursement cost to Creek Ranch of \$77,500, a Cost allocation transferred from Creek Ranch to Toho: Up to \$491,178 (depending on allocation transferred) and a





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Toho's consultant fees and permitting cost for WUP Modification of \$50,000 making this Total Request of \$618,178) (M. Doan)

- 7C. **APPROVAL FOR THE CEO/EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF COCOA, EAST CENTRAL FLORIDA SERVICES, INC., ORANGE COUNTY, ORLANDO UTILITIES COMMISSION, AND TOHO WATER AUTHORITY THAT ESTABLISHES A PROCESS FOR AN EAST CENTRAL FLORIDA SERVICES THREE-YEAR AGRICULTURAL USE CONSUMPTIVE USE PERMIT FOR WATER FROM THE TAYLOR CREEK RESERVOIR.**

Staff requests authorization for the CEO/Executive Director to execute the attached Agreement for Process to Issue an Agricultural Use Consumptive Use Permit to East Central Florida Services (Cost: None) (M. Doan)

- 7D. **APPROVAL OF A THIRD AMENDMENT TO THE TOHO WATER AUTHORITY/TAVISTOCK UTILITIES EXTENSION REIMBURSEMENT AGREEMENT FOR DESIGN AND CONSTRUCTION OF JACK BRACK ROAD WATER AND REUSE MAINS INCLUDING \$1,275,000 FUNDING AND A TOHO CONTINGENCY OF \$255,000 FOR A TOTAL NOT-TO-EXCEED FUNDING AUTHORIZATION OF \$1,530,000.**

Staff requests approval of the third amendment and a total not-to-exceed authorization of \$1,530,000.00 Staff further requests authorization for the CEO/Executive Director to execute any such documents, including an amendment four if needed, as necessary to expend the total not-to-exceed Board authorization provided that the total amendment and contingency expenditures remain within the total not-to-exceed amendment and contingency limit approved by the Board. (Cost: A Toho Design cost of \$64,000 and Toho's Construction cost of \$1,211,000 and a 20% Contingency of \$255,000 making this Total Request of \$1,530,000. (K. Webster)

- 7E. **APPROVAL OF A \$24,787,287.71 LOW BID AND DELEGATION TO THE CEO/EXECUTIVE DIRECTOR AUTHORIZATION TO FINALIZE AND EXECUTE A CONSTRUCTION CONTRACT WITH VOGEL BROS BUILDING FOR THE BVL WATER TREATMENT PLANT (WTP) IMPROVEMENT PROJECT (IFB-24-197)**

Staff requests approval of the Vogel Bros Building bid and delegation to the CEO/Executive Director authority to finalize and execute a construction contract for a total not-to-exceed authorization of \$24,787,287.71. Staff further requests for the Executive Director/CEO to execute any such documents as necessary to expend the contingency included in the bid provided that the total contract and contingency expenditures remain within the total no-to-exceed contract approved by the Board. (Cost: A low bid cost which includes a 5% contingency of \$1,175,522.25, making this Total Request of \$24,787,287.71) (T. Pang)

- 7F. **DELEGATION TO THE CEO/EXECUTIVE DIRECTOR TO APPROVE THE**





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**LOW RESPONSIVE BID AND CONSTRUCTION AGREEMENT FOR THE LS-30 NORTH LAVON AVENUE FORCEMAIN REPLACEMENT AND NORTH EMORY AVENUE GRAVITY SEWER REHABILITATION PROJECT.**

This item was signed off as an emergency by CEO/Executive Director, as advised to the Board prior to this meeting. Staff requests delegation to the CEO/Executive Director authority to approve a low responsive bid and construction agreement including contingency in consultation with the Board of Supervisors Chair for the construction of 3,125 feet of 12-inch force main at LS-30 and rehabilitation of 1,200 ft of gravity sewer and to provide a staff report to the Board at the scheduled November meeting. (Cost: Construction cost estimate of \$1,147,000 plus estimated contingency of \$115,000 for a total estimate of \$1,262,000.) (A. Kardash)

**7G. APPROVAL OF FIFTH AMENDMENT TO THE AGREEMENT WITH NATIONAL METERING SERVICES, INC., FOR THE PROVISION OF METER TRANSMISSION UNIT EXCHANGES AND METER SET INSTALLATIONS AND EXCHANGES (EM-20-065)**

Staff recommends that the Board of Supervisors delegate authorization to the Executive Director/CEO to approve and execute the Fifth Amendment and 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 \$468,000 for a total not to exceed amount of \$3,313,570 for the duration of the agreement. (M. Mzee)

**7H. EXECUTED AND RECORDED DEVELOPER'S SERVICE AGREEMENTS FROM NOVEMBER 1, 2023, THROUGH JULY 31, 2024**

No action requested. (Cost: None) (R. Biron)

**7I. APPROVAL OF A \$5,432,740 CONSTRUCTION CONTRACT WITH PRIME CONSTRUCTION GROUP, INC. AND A \$543,000 CONSTRUCTION CONTINGENCY FOR THE LIFT STATION 111 SCREENING IMPROVEMENTS PROJECT FOR A TOTAL AUTHORIZED FUNDING OF \$5,975,740**

Staff requests approval of the construction contract and contingency for the total not-to-exceed authorization of \$5,975,740. Staff 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 approved by the Board. (Cost: A Bid award of \$5,432,740 and a Contingency of \$543,000 for a Total Request of \$5,975,740. (K. Burgess)

**7J. APPROVAL OF CONTRACT AWARD TO FLORIDA ARMATURE WORKS, INC. (FAW) AND TAW ORLANDO SERVICE CENTER, INC. DBA IPS (TAW) AS CONTRACTORS FOR REPAIR SERVICES FOR PUMPS,**





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**MOTORS & OTHER EQUIPMENT (RFP-24-123)**

Staff recommends approval of award for RFP-24-123, Repair Services for Pumps, Motors, and Other Equipment, and execution of the agreements and amendments with Florida Armature Works, Inc. and TAW Orlando Service Center, Inc. DBA IPS, for the three-year terms of the agreements. Additionally, staff requests that the Board authorizes the Executive Director to execute contract amendments as needed to manage the services within the total Board approved limit. (Cost: Total cumulative not to exceed \$5,000,000 aggregate for the three-year (3) term between both Contractors.) (J. Cains)

**7K. PUBLIC INFORMATION OFFICER (RFP-21-040)**

Staff recommends approval of the Renewed Agreement with Quest Corporation of America for Public Information Officer Services. (Cost: A 2-year Renewal Agreement with a not-to-exceed amount of \$450,000) (Rentz)

**7L. APPROVAL OF A \$3,142,903.70 LOW BID CONSTRUCTION CONTRACT AWARD TO INSITUFORM TECHNOLOGIES AND A \$315,000.00 CONSTRUCTION CONTINGENCY FOR THE US 192 - BAMBOO TO MAIN ST. GRAVITY SEWER REPLACEMENT AND REHABILITATION PROJECT FOR A TOTAL AUTHORIZED FUNDING OF \$3,457,903.70. (IFB-24-199)**

Staff requests approval of the construction contract and contingency for a total not-to-exceed authorization of \$3,457,903.70 and 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: A low Bid cost of \$3,142,903.70 and a contingency of \$315,000 making this Total Request of \$3,457,903.70.) (L. Shields)

**7M. APPROVAL OF A \$384,990.51 CHANGE ORDER #1 TO THE CONSTRUCTION CONTRACT WITH INSITUFORM TECHNOLOGIES, FOR THE LS-208 GOODMAN ROAD PRIORITY GRAVITY SEWER REHABILITATION PROJECT INCREASING THE TOTAL BOARD AUTHORIZATION FROM \$786,118.83 TO \$1,171,109.34**

Staff requests approval of change order #1 in the amount of \$384,99.51 for a total not-to-exceed authorization of \$1,171,109.34.

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 Change Order of \$384,990.51 plus a previous Board Authorization contract of 714,118.83 plus a contingency of \$72,000 for a Total Request of \$1,171,109.34. (T. Noyes)

**7N. REQUEST TO APPROVE INTERLOCAL AGREEMENT BETWEEN OSCEOLA COUNTY, FLORIDA, THE CITY OF KISSIMMEE, THE CITY OF ST. CLOUD, THE SCHOOL DISTRICT OF OSCEOLA**





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**COUNTY, FLORIDA, KISSIMMEE UTILITY AUTHORITY, AND  
TOHOPEKALIGA WATER AUTHORITY FOR THE  
INTERGOVERNMENTAL RADIO COMMUNICATIONS SYSTEM**

Staff requests approval of the Interlocal Agreement regarding Intergovernmental Communications with Osceola County, Florida, The City of Kissimmee, The City of St. Cloud, The School District of Osceola County, Florida, and Kissimmee Utility Authority. (Cost: None) (J. Hall)

**Motion to approve Consent Agenda items, made by Vice Chair Ketchum.  
Motion was seconded by Supervisor Lizasuain. Motion passed 5-0.**

**8. Informational presentations:**

**8A. QUARTERLY FINANCIAL SUMMARY**

For informational purposes only. No action required by the Board.  
(Cost: None) (T. Villarosa)

Tim Villarosa, Toho's Director of Financial Services, provided an update, to July 31<sup>st</sup> on revenue and expenses. Revenue was ahead by 4.2% above budget and expenditure was exceeding budget by 3.34% through July, which will be addressed in budget for FY2025.

**9. Unfinished business:**

**9A. APPROVAL TO NEGOTIATE DEVELOPERS SERVICE  
AGREEMENTS WITH FISH LAKE TOWNHOMES AND NOVA  
APARTMENTS TO ESTABLISH DSA SPECIAL CONDITIONS AND  
COST SHARE RELATED TO INFRASTRUCTURE IN THE VICINITY  
OF AERONAUTICAL BOULEVARD, PARTIN SETTLEMENT ROAD,  
AND US 192**

Staff recommends approval by the Board authorizing the Executive Director/CEO and General Counsel to negotiate the proposed Developer's Service Agreements with the Fish Lake Townhomes developer consistent with the prior approval of Item 10E from the September 11, 2024 Board of Supervisors meeting and this pricing revision, which includes \$578,600.00 of development related items and \$250,000.00 of lift station renewal and replacement for a total related funding of \$828,600.00. Staff further requests the Board delegate authority to the Executive Director/CEO to execute such agreement on behalf of Toho Water Authority, subject to prior consultation with a Board Supervisor Ketchum. Finally, staff requests that the Board direct and authorize the Executive Director/CEO to negotiate and execute reimbursement in an amount not to exceed \$828,600.00 (Biron)

This item presented a revision to some of the costs related to reclaim main on Partin Settlement as estimates coming in a little higher. Toho



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were still actually evaluating if this main will need to be built, as there are some benefits for Toho's downstream force mains, to reroute to existing customers, and also some R&R work for non-developer benefit (ie., a Toho lift-station) so the estimate reflects the cost saving element. Chairman Thacker confirmed he has submitted the Form 8B in relation to a family member conflict.

**Motion to approve made by Vice Chair Ketchum. Motion was seconded by Supervisor Lizasuain. Motion passed 4-0-1. Chairman Thacker abstained due to conflict of interest.**

**10. New business:**

**10A. SPECIAL DISTRICT GOALS AND REPORTING**

Recommend approval of the goals and objectives as presented in the attachment - "Toho Special District Goals FY25". (Cost: None) (T. Swingle)

CEO Swingle presented the proposed Special District Goals, required due to the new legislature to establish and report on an annual basis some self-established goals, which need to be in place in October. Performance goals and objectives for special districts aligning with Charter, Strategic Plan and priorities, and are crafted to be meaningful and align with the legislature requirements. Moving forward, these will be part of our budget process, reviewing the goals with you in budget season. Hillary Weber, Chief Business & Environmental Services Officer at Toho, will be taking ownership of the compliance with this Special District Goals program going forwards.

**Motion to approve made by Supervisor McAleenan. Motion was seconded by Vice Chair Ketchum. Motion passed 5-0.**

**11. Staff reports:**

**11A. COMMUNICATIONS QUARTERLY REPORT FOR JULY-SEPTEMBER 2024**

No action is required by the Board. For information only. (M. Grayson)

**11B. LEAD AND COPPER INVENTORY RESULTS**

No action is required by the Board. For information only. (N. Cudahy)

**12. Comments:**

**Board Officials** – CEO Swingle confirmed Toho's Admin Building Security Guard was now in place. Comm Grieb welcomed attendance at Osceola State of the County on Thursday November 7<sup>th</sup>. Finally, Supervisor McAleenan thanked all Toho workers who supported our service area and equally outside of it during the hurricanes. CEO Swingle appreciated that and confirmed that we successfully operated our plants, with no precautionary water notices and the crews responded





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extremely well, throughout.

**Executive Director** – Acknowledged the Toho team who met the submission deadline for Lead & Copper reporting. Properties in our service area having evidence of lead was less than 1%. Cyber security month was well presented at Toho. KUA visited our Admin Building to tour our displays and overall approach.

**General Counsel** – None.

**13. Upcoming Events:**

Tohovsary - 21	10/31/2024
Halloween	10/31/2024
Diwali	11/1/2024
Native American Heritage Month	11/1/2024
Pioneer Day	11/2/2024
Great Outdoors Day	11/2/2024
State of Osceola County	11/7/2024
Veterans Day Parade	11/9/2024
Veteran's Day	11/11/2024

**14. Adjournment:**

There being no further business to come before the Board, the meeting was adjourned at 5:46 pm by Chairman Thacker.

**Approved:**

  
\_\_\_\_\_  
Henry Thacker, Chairman

**Attest:**

  
\_\_\_\_\_  
Tom White, Secretary