

Description	Regular meeting of the Tohopekaliga Water Authority. Present at the meeting were Supervisor Bob Bornstein, Supervisor John Moody, Commissioner Jerry Gemske, Supervisor Raul Banasco, Supervisor Jim Wells, Executive Assistant Nilsa Diaz, Chairman Bruce Van Meter, and Executive Director Brian Wheeler and Commissioner Jean Reed.		
Date	2/10/2010	Location	City of Kissimmee Commission Chambers
Time	Item	Minutes	
5:03:42 PM	Meeting called to order	Meeting called to order by Chairman Bruce Van Meter at 5:04 PM.	
5:04:41 PM	Invocation and Pledge of Allegiance	The Invocation was given by Executive Director Brian Wheeler and Chairman Van Meter led the audience in the Pledge of Allegiance.	
5:04:54 PM	Approval of the Agenda	Staff requested the addition of Item 9B. Approval for Construction Funding on the Poinciana Boulevard Phase 2 Project. Supervisor Moody moved for approval of the Agenda with the addition of Item 9B and Supervisor Banasco seconded the motion. Motion passed 5 to 0.	
5:05:54 PM	Awards and Special Presentations	None	
5:05:58 PM	Public Hearing	None was scheduled.	
5:06:04 PM	Hear the audience	No one came forth.	
5:06:11 PM	Consent Agenda	<p>Supervisor Bornstein asked to remove Item 7E and Supervisor Wells asked to remove Item 7C for discussion. Supervisor Wells moved for approval of the Consent Agenda and Supervisor Banasco seconded the motion. Motion passed 5 to 0.</p> <p>7C. APPROVAL OF DEVELOPER SERVICE AGREEMENT AMENDMENT FOR SECRET LAKE CONDOMINIUM</p> <p>Supervisor Wells had concerns about Special Condition No. 5. <i>Annual average use of irrigation water shall not exceed three million gallons per year.</i> If this type of condition is to become the norm, he was concerned about whether the Authority would have the resources to monitor</p>	


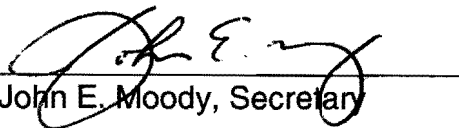
		<p>compliance. The Executive Director reviewed the water conservation – impact fee credit incentive program with the Board. The staff’s intent is to be able to develop some standards for conservation that would lead to overall reductions in the gallons assigned to developments for impact fee collections.</p> <p>Supervisor Wells made a motion to approve the amendment to the DSA for Secret Lake Condominium. Supervisor Moody seconded the motion. Motion passed 5 to 0.</p> <p>7E. APPROVAL FOR AWARD OF UTILITY CONSTRUCTION CONTRACT TO JR DAVIS FOR OLD LAKE WILSON ROAD PRELIMINARY ROAD IMPROVEMENTS – Supervisor Bornstein pulled this item because he thought the contractor, JR Davis Construction, was responsible for the John Young Parkway water service interruption incident on January 28th. Staff advised the Board that JR Davis Construction was not responsible for the incident. Supervisor Bornstein moved for approval of the award of the utility construction contract to Jr. Davis for the Old Lake Wilson Road preliminary road improvements. Supervisor Wells seconded the motion. Motion approved 5 to 0.</p>
5:14:16 PM	Informational Presentations	<p>The Quarterly Investment Report by PFM Asset Management LLC – for the Quarter ending December 31, 2009 was presented by Mel Hamilton. Mr. Hamilton fielded questions from the Board of Supervisors concerning future investment options for the Authority.</p>
5:30:58 PM	Unfinished Business	<p>9A. APPROVAL OF AMENDMENT TO THE TOHO WATER AUTHORITY LOCAL VENDOR PREFERENCE – At the January 28, 2010 Board meeting, the Staff proposed an amendment to the Local Vendor Preference Policy which would add a requirement that a local vendor must submit a bid within a specified percent of the low bid. The item was continued to the February 10, 2010 Board meeting for the Staff to research the policy used by the City of St. Cloud. Two alternatives were presented to the Board for the percent to be applied to the local vendor bid; either a single percent of 5% or use the range of percentages from the Osceola County policy. Supervisor Bornstein asked Mr. Wheeler which one he and his engineers preferred. Mr. Wheeler responded that he liked the single</p>

		<p>5%. Chairman Van Meter agrees with the single percentage but believes the percentage should be lower (maybe 3%) and the bid amount to which the policy applied capped at one million dollars. Supervisor Bornstein also agreed with the single percentage. Polk County Commissioner Reed asked for the definition of a local vendor and asked if any consideration was being made to expanding the Local Vendor Preference to Polk County. The discussion centered on what areas to include in the policy and the consensus was to expand the definition of a local vendor to include any vendor in the service area. Supervisor Wells was concerned about capping the policy at a million dollars. He advocated that the policy continue the \$2M level and add the single 3% above the low bid as the range a local vendor must meet to receive the preference under the policy. Supervisor Bornstein moved for amending the policy to incorporate Polk County and/or within the local service area in the definition of a local vendor that a local vendor bid must be within 3% of the low bid, and the application of the policy capped at bids up to \$2M. Supervisor Banasco seconded the motion. Attorney Lawson added that it should include the sliver of Orange County. Staff to bring back a re-written policy. Motion passed 5 to 0.</p> <p>9B. APPROVAL FOR CONSTRUCTION FUNDING ON THE POINCIANA BOULEVARD PHASE 2 PROJECT - The Executive Director explained to the Board that this item had been pulled off the Consent Agenda at the last Board meeting because the vendor did not meet the requirements of the definition of a local vendor in TWA's Local Vendor Preference Policy. The local low bidder under the Authority's policy, Jr. Davis will be afforded the opportunity to match the low bid price provided by Johnson Brothers, LLC. Supervisor Wells moved for approval of the construction funding on the Poinciana Boulevard Phase 2 project and Supervisor Moody seconded the motion. Motion passed 5 to 0.</p>
5:48:57 PM	New Business	<p>10A. APPROVAL OF TENTATIVE POINCIANA WATER USE PERMIT CONDITIONS – The application for a Water Use Permit (WUP) for the Poinciana service area submitted to the South Florida Water Management District (SFWMD) in 2008 called for a 10.1 MGD withdrawal increasing the TWA WUP 2013 allocation from 36.5 to 46.6 MGD. Austin Environmental and TetraTech have been</p>

handling the permit application for TWA and have been able to resolve the three most significant issues relative to the permit which are groundwater allocation, identification of wetlands mitigation required due to past harm and projected future due to Poinciana groundwater withdrawals and future wetlands monitoring. There was discussion of the wetlands monitoring sites and their locations Supervisor Wells asked whether easements would have to be acquired to these areas. Mr. Wheeler answered affirmatively. There was discussion about the consolidation of the Poinciana WUP with the TWA WUP and its relation to the terms of both permits. Chairman Van Meter asked the Executive Director what it was he wanted from the Board tonight. Mr. Wheeler said that he just wanted the Board to be aware that we are in the final stages of the process. Chairman Van Meter did not hear any concerns from the Board so Mr. Wheeler was instructed to proceed with the approval of the present proposed permit conditions of no more than 2 functional units for wetlands mitigation and two additional monitoring sites in Poinciana for the Poinciana WUP.

10B. REVISED CMAR PROCESS – Executive Director Wheeler briefly reviewed the Board's discussions about the Construction Manager at Risk (CMAR) process a year ago. The Board had concerns about being able to evaluate the competitiveness of the pricing for the construction manager. Robert Pelham and the Engineering Staff have reviewed the CMAR process to evaluate modifications to improve the process. Modifications proposed to the Board included: (1) The Design Engineer will take the design to the 30% complete level. (2) At the 30% design level, Staff will have pre-qualified CMAR firms bid the General Conditions, Pre-con Services, Contractor's fees, bonds, and insurance. (3) The low bid firm will be given a Purchase Order for the Pre-con Services. (4) When the design is 100% complete, the CMAR firm will bid all the construction packages to pre-qualified subcontractors. (5) The Guaranteed Maximum Price will be developed using the subcontractor's bids (6) The bid prices for the General Conditions, the Contractor fee will remain as bid while the bonds and insurance will be adjusted based on actual cost of work. (7) TWA will then enter into an agreement with the firm for the work. There was extensive discussion by the Board including Commissioner Reed about the proposed modifications focusing on the General Conditions

		<p>bid and the timing of the contract execution with the CMAR. The Board was generally concerned with waiting till the Guaranteed Maximum Price was developed before entering into the contract with the CMAR. Staff and the attorney will review the proposed CMAR process modifications and the appropriate place in the process to enter into the contract with the CMAR.</p>
<p>6:46:08 PM</p>	<p>Staff Reports</p>	<p>11A. Ric Figueroa presented the PowerPoint presentation outlining the Monthly Financial Report for December 2009 for Fiscal Year 2010.</p> <p>11B. John Young Parkway - Carroll Street Intersection Water System Incident January 28, 2010 – Mr. Wheeler reviewed the water service interruption incident that occurred on January 28, 2010 with the Board. He reported that the incident exposed some weaknesses in the system’s ability to handle significant transmission main breaks. Additionally, there is a need to improve in communication with the community on such incidents.</p> <p>11C. TWA ADMINISTRATIVE BUILDING UPDATE – The Staff reviewed the alternatives for the building commemorative plaque with the Board. The Board favored the traditional design plaque as proposed by Balfour Beatty. In addition, the Board requested an alternative that would incorporate the water drop and the Authority tag line for evaluation. Staff will provide additional alternatives for the Board to consider. The architect recommended adding carpet to the stairs from the lobby to the first floor landing. After discussion the Board agreed to have the carpet added to the stairs to the second floor. The dais design will be discussed at the next Board meeting. The design of the plaque should be e-mailed to the Board for revision.</p> <p>Mr. Wheeler advised the Board that the Authority’s financial advisor, Toby Wagner, and Mark Galvin of First Southwest will be at the next Board meeting to review the financial conditions of the Series 2007 bonds.</p> <p>Mr. Wheeler told the Board that Staff was looking into the possibility of bottling Toho water for their community events. A Tampa company would take a tank truck of our water and bottle it with our labels; 20,000 bottles would</p>

		<p>cost \$5,000. The bottles could be warehoused on the fourth floor of the new building or in the warehouse. This item to be brought back to the Board for final approval. Staff is also considering having recycling barrels for the empty bottles.</p>
<p>7:43:22 PM</p>	<p>Board Reports</p>	<p>Supervisor Wells will be attending a conference on Growth Management at the Wyndham Hotel in Orlando; they are offering two for one enrollment. Mr. Wells was asked to e-mail the information to the other Board members.</p> <p>Supervisor Bornstein commented that he has found management to be very responsive and is impressed with the level of service provided. Mr. Bornstein expressed a concern that the Executive Director's salary was not adequate. He proposed that the Board review the salary against comparable positions. After some discussion, the Board directed the Staff to request that the City of Kissimmee Human Resources Director obtain information on salaries for other utility directors from comparable organizations.</p> <p>Mr. Van Meter reminded the Board of the tour of the administrative building on Friday with lunch afterwards and the interactive lobby display presentations.</p> <p>Mr. Van Meter inquired about the communication being provided to customers with the beginning of the installation of the automatic meter reading system.</p>
<p>7:56:15 PM</p>	<p>Adjourned</p>	<p>There being no further business to come before the Board, Chairman Van Meter adjourned the meeting at 7:56PM.</p> <p> Bruce R. Van Meter, Chairman</p> <p> John E. Moody, Secretary</p>