

Description	Regular meeting of the Tohopekaliga Water Authority. Present at the meeting were Supervisor Bob Bornstein, Supervisor Dick Hord, Supervisor Jim Wells, Supervisor Raul Banasco, Chairman Bruce Van Meter, Commissioner Jerry Gemskie, Attorney Mark Lawson, Executive Director Brian Wheeler, Executive Assistant Nilsa Diaz, Supervisor John Moody, Commissioner Mike Harford and Commissioner Jean Reed.		
Date	1/13/2010	Location	City of Kissimmee Commission Chambers
Time	Item	Minutes	
5:00:44 PM	MEETING CALLED TO ORDER	Chairman Van Meter called the meeting to order at 5:00 pm.	
5:00:53 PM	INVOCATION AND PLEDGE OF ALLEGIANCE	Executive Director Wheeler gave the Invocation and Supervisor Banasco led the audience in the Pledge of Allegiance.	
5:01:49 PM	APPROVAL OF THE AGENDA	Executive Director Wheeler explained that Item 7E was left off the Agenda but that the background was included. Mr. Wheeler asked to add an Item (9B) under Unfinished Business addressing the paving of the parking lot and the dais in the Board Room of the new administrative building. Supervisor Wells moved for approval of the Agenda as amended and Supervisor Banasco seconded the motion. Motion passed 6 to 0.	
5:02:52 PM	AWARDS AND SPECIAL PRESENTATIONS	Commissioner Gemskie thanked the Board for their participation in the Ornaments on Parade and informed the Board that the entry won honorable mention. Tim Noyes, Asset Manager, was the creator of the entry.	
5:04:38 PM	PUBLIC HEARING	None	
5:04:55 PM	HEAR THE AUDIENCE	No one came forth.	
5:05:01 PM	CONSENT AGENDA	<p>After removing Items 7B and 7E for discussion, Supervisor Moody motioned for approval of the Consent Agenda as amended and Supervisor Hord seconded the motion. Motion passed 6 to 0.</p> <p>7B. APPROVAL OF CONSTRUCTION CONTRACT WITH C&S TECHNICAL RESOURCES, INC. FOR POINCIANA VILLAGE 7 NEIGHBORHOOD 2 EAST UNEQUIPPED LIFT STATION IMPROVEMENT PROJECT -</p> <p>Supervisor Bornstein pulled this item for discussion because he wanted some information regarding Poinciana Village 7 Neighborhood 2 East. Executive Director explained that this area along with many other areas in Poinciana within Polk County had roads and utility lines constructed about 30 years ago and at that time the mechanical components of</p>	

the lift station to serve this area, including the pumps, were not installed. Of the total residential lots to be served by the lift station, three homes have been constructed and connected to the sewer that drains to the lift station without pumps. Severn Trent has been pumping the sewage out of the wet well routinely and hauling it to one of the treatment facilities. Hauling raw sewage over the roadways is a violation of FDEP rules. The three homes were constructed and connected to the sewer without obtaining any approval or information from Severn Trent. This project was initiated by Florida Governmental Utility Authority (FGUA) the previous owner of the Poinciana System and the Authority has been continuing it. The Board discussed the history of the sewage pumping, the costs compared to the proposed contract and the legal liability of continuing the hauling of raw sewage from the pumping. Supervisor Bornstein inquired about the capacity of the pump station to serve more homes and the Executive Director Wheeler indicated that the station would be adequate to serve the area. Some of the Board expressed concerns over expending funds to correct this situation and then have future home builders receive the benefit without having to pay any of the cost.

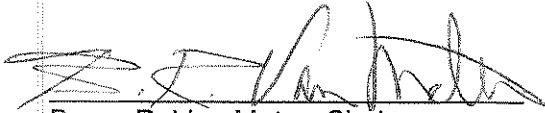
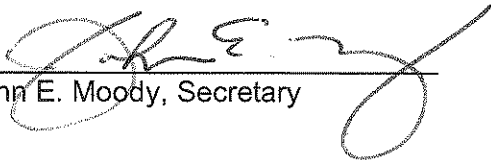
Supervisor Hord moved not to approve the contract and Supervisor Bornstein seconded the motion. Discussion then ensued about how the Authority could recoup the monies used for the improvement of the lift station. Attorney Lawson informed the Board that an assessment could be imposed on the undeveloped lots to recover the costs. Polk County Commissioner Reed, ex-officio member of the Board, volunteered to attempt to address any questions the Board may have relative to Polk County's involvement in the situation and encouraged the Board to address the problem now before development began again. Executive Director Wheeler asked Commissioner Reed whether Polk County would support the establishment of an assessment program. Commissioner Reed replied that she could only speak as one commissioner but could consider a partial assessment. The Board then discussed the recently approved condition assessment being conducted in Villages 7 and 8 and parts of 3 and how this project might relate. There was discussion of including this lift station project in the corrections and potential assessment that would result from the condition assessment project. Motion passed 5 to 1 with Supervisor Moody voting against it.

**7E. APPROVAL OF DEVELOPER SERVICE AGREEMENT
FOR BUFFALO WILD WINGS - Maybar 106 Associates,**

		<p>developing a Buffalo Wild Wings restaurant at Formosa Gardens Boulevard, had their attorney make some changes in the Authority's standard developer service agreement in addition to the Specific Conditions paragraph. Chairman Van Meter suggested sending the agreement. The Board discussed the standard developer service agreement and the implications of allowing a developer to make changes to the standard language in the body of the agreement. The Board and attorney agreed that individual developers should not be allowed to make changes to the agreement. Attorney Lawson advised the Board that the agreement should be sent back to the developer with the guidance that changes to the standard agreement is not acceptable. Supervisor Wells inquired whether the changes and the Special Conditions were acceptable. Mr. Wheeler advised that the Special Conditions were acceptable and that the changes to the standard agreement were primarily difference in legal language. Supervisor Wells moved for approval of the developer service agreement for Buffalo Wild Wings with no modifications to the standard developer service agreement. Supervisor Moody seconded the motion. Motion passed 6 to 0. .</p>
5:33:25 PM	<p>INFORMATIONAL PRESENTATION</p>	<p>8. REPORT TO THE BOARD ON THE SUSPENSION OF CONSTRUCTION OF THE CYPRESS LAKE TEST WELL NO. 2 – Mr. Wheeler reported that the Authority's been pursuing permitting and development of a lower Floridan Aquifer wellfield near Cypress Lake as an Alternative Water Supply. A test production well was constructed and a Water Use Permit application was submitted to SFWMD in February 2009 for 30 MGD. The results of the test well did not correspond to the SFWMD projected characteristics and modeling results. The Authority has proceeded with the construction of a second test well with the encouragement of SFWMD to confirm the results of the first test well. Construction of the second test well is approximately 50% completed and should be completed by August 2010. In December staff from SFWMD presented consultants for the Authority with results of modeling they had performed on the projected Cypress Lake Wellfield. Those results raised significant doubts about the permitability of the wellfield and did not consider the data produced by the Authority's test well. Staff is recommending suspension of construction of Test Production Well #2 due to the uncertainty of the SFWMD position on permitting of the Cypress Lake wellfield. The suspension would be until the Authority got some more definitive indication from the SFWMD that the result of the Authority's test wells will be incorporated into their modeling. There is approximately \$1.06 million in work to be completed after the suspension. The Board and staff discussed the implications of the proposed suspension and the</p>

		<p>continuation of the work. There also was discussion on involving the local representative on the SFWMD Board and discussions with the executive staff at the District. Silvia Alderman, the Authority's environmental attorney, is providing assistance in discussions with the SFWMD. Some of the Supervisors expressed opinions that the Authority should continue the construction because the well and data from the testing will be critical for the Authority to make a case for a permit for the Cypress Lake Wellfield. Supervisor Wells made a motion to delay the decision to suspend construction of the Cypress Lake Test Well No. 2 until the next Board meeting, January 27th. Supervisor Banasco seconded the motion. Motion passed 6 to 0.</p>
<p>5:54:12 PM</p>	<p>UNFINISHED BUSINESS</p>	<p>9A. APPROVAL OF INITIAL ASSESSMENT RESOLUTION TO SET FORTH A PROCEDURE TO ASSESS, LEVY, COLLECT, AND ENFORCE SPECIAL ASSESSMENTS CHARACTERIZED AS NON-AD VALOREM ASSESSMENTS FOR WASTEWATER COLLECTION AND TREATMENT SERVICES – At the December 9, 2009 Board meeting, the Board approved a Notice of Intent Resolution, the first step in implementing an assessment program to recover a portion of the unpaid wastewater bills from TWA wastewater customers within the O&S Water service area. There are certain required steps that need to occur to implement the assessment process. The next step in the process is the adoption of an initial assessment resolution which will set the date for a public hearing on the assessments and initiate notification to the customer who is to be assessed. Attorney Lawson told the Board that staff will work with customers who want to pay the past due amounts and avoid an assessment placed upon their property tax bills. Supervisor Bornstein asked if the assessments would involve court and attorney costs and advised that court costs will not be included in the assessments. When asked how many customers were involved; staff responded that it would be about 24 customers with the amounts owed ranging from \$3600 down to \$1800.</p> <p>Supervisor Wells moved for approval of the Resolution to set forth a procedure to assess, levy, collect, and enforce special assessments characterized as non-ad valorem assessments for wastewater collection and treatment services. Supervisor Bornstein seconded the motion. Motion passed 6 to 0.</p> <p>9B. UPDATE ON THE ADMINISTRATIVE BUILDING CONCERNING THE PARKING LOT PAVING AND THE BOARD ROOM DAIS – Staff reviewed a proposed change order for the Administrative Building which would provide</p>

		<p>concrete paving for the parking and drive areas instead of asphalt. The six inches of concrete in the parking spaces and drive lanes includes the welded wire fabric material and would be an additional cost of \$48,882. The Board discussed the advantages and concerns with the use concrete. Supervisor Wells moved for using concrete. Supervisor Hord seconded the motion. Motion passed 6 to 0.</p> <p>Staff presented pictures to the Board of the tables used to make up the Board dais for the Metro Plan Board which the Board had previously approved as a basis for design of the Authority's dais. This design of dais was recommended by the staff to maintain the maximum flexibility for the Board Room use. Supervisor Hord stated that he would like for the dais to have some curvature so that the members may be able to see each other better. There was discussion concerning a curved dais versus a straight dais; advantages, disadvantages, and costs. Staff was requested to bring the Board two alternatives with estimated costs, a curved dais and a straight dais. .</p> <p>Chairman Van Meter asked if the Board would be interested in doing a tour of the administrative building. A tour will be coordinated with the contractor.</p>
6:13:15 PM	NEW BUSINESS	<p>10A. APPROVAL OF REIMBURSEMENT RESOLUTION FOR PROJECT COSTS FOR POTENTIAL FUTURE TAX EXEMPT FINANCING – Supervisor Moody moved for approval of Reimbursement Resolution for project costs for potential future tax exempt financing. Supervisor Hord seconded the motion. Motion passed 6 to 0.</p>
6:14:47 PM	STAFF REPORTS	<p>UNAUDITED FINANCIAL REPORT SEPTEMBER 2009 – Rick Figueroa, Finance Manager, presented the Unaudited Financial Report for September 2009. The financial audit should be completed by the next Board meeting. The Board requested that the Financial Report be broken down so that the numbers concerning residential vs. commercial meter accounts reflect the correct numbers.</p> <p>Executive Director Wheeler provided the Board with a memo on the SEC Action filed against a former broker, Harold Jaschke, who was a former broker for the City of Kissimmee and the Authority.</p> <p>Executive Director Wheeler advised the Board that he would propose modifications to the Local Preference because of declining numbers of bidders from outside the county.</p> <p>Supervisor Hord asked if we were due any monies from O&S</p>

		Water; not till the end of the month.
6:46:43 PM	ADJOURNED	<p>There being no further business to come before the Board of Supervisors, Chairman Van Meter adjourned the meeting at 6:47 PM.</p> <p> Bruce R. Van Meter, Chairman</p> <p> John E. Moody, Secretary</p>