

City of Fayetteville Staff Review Form

2019-0251

Legistar File ID

5/7/2019

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Tim Nyander

4/17/2019

WASTEWATER TREATMENT (730)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of an additional payment to the Watershed Conservation Resource Center (WCRC) in the amount of \$12,160.31 for the additional repair of streambank damage at Sweetbriar Park.

Budget Impact:

5400.730.5800-5818.00

Water and Sewer

Account Number

Fund

13018.1

Wastewater Treatment/Water Quality
Improvements

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 715,099.00

Funds Obligated \$ 250,113.85

Current Balance \$ 464,985.15

Does item have a cost? Yes

Item Cost \$ 12,160.31

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ 452,824.84

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF MAY 7, 2019

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Water & Sewer Committee

FROM: Tim Nyander, Utilities Director

DATE: April 17, 2019

SUBJECT: **Cost over-run for Sweetbriar Park Streambank Repairs Due to Flooding in the Amount of \$12,160.31**

RECOMMENDATION:

Staff recommends approval of an additional payment to the Watershed Conservation Resource Center (WCRC) in the amount of \$12,160.31 for the additional repair of streambank damage at Sweetbriar Park.

BACKGROUND:

Cost over-runs were incurred by the Watershed Conservation Resource Center (WCRC) during the repair of damage to a previously restored streambank at Sweetbriar Park where a water main traverses the stream channel of Niokaska Creek. The goals of the original stream restoration project were to reduce streambank erosion, protect park land and civil infrastructure, enhance aquatic and terrestrial habitat, and improve the park aesthetics. The WCRC implemented natural channel design principles that resulted in a reduction of sediment and nutrient loadings to the stream.

DISCUSSION:

The project suffered damage from excessive flooding in April of 2017. In order to meet the original project goals and create an enduring repair, additional field engineering was required to address unanticipated challenges during construction. Unanticipated challenges in the field included realignment of the cross-vane arm to improve flow redirection capability, placement of imbricated fill in the area between the vane arm and the streambank, filling between the vane structure and the site infrastructure, and integrating the repair into existing portions of the project that were unaffected by flooding.

Addressing these challenges required more field time for the project engineer and project manager than was estimated during the initial budgeting process. Additionally, creating a robust riparian area and energy dissipation controls required additional design and an increase in labor costs for installation. As a result, labor expenses for the project exceeded the approved budgeted amount by \$12,160.31.

BUDGET/STAFF IMPACT:

Funds are available in capital project No.13018 Wastewater Treatment Water Quality Improvements to fund this cost overrun.

Attachments: Amendment No. 1 and Resolution 58-18

**AMENDMENT #1 TO TASK ORDER NO. 6
BETWEEN THE CITY OF FAYETTEVILLE AND
THE WATERSHED CONSERVATION RESOURCE CENTER**

BE IT KNOWN TO ALL:

That the City of Fayetteville, Arkansas (the "City") and Watershed Conservation Resource Center. ("WCRC"), on this _____ day of _____, 2019, hereby agree that Task Order No. 6, as approved by Fayetteville City Council Resolution No. 58-18, shall be amended as follows:

1. The Scope of Services, which was set forth in Attachment 1 to Task Order No. 6, is hereby amended to include Exhibit A attached hereto and made a part hereof describing the additional services provided by WCRC and the conditions necessitating such additional services.
2. Additional compensation: As consideration for the additional services performed by WCRC, City agrees to increase compensation by the amount of \$12,160.31 pursuant to the invoice included with Exhibit A.

The parties agree and understand that this Amendment is supplemental to their Agreement that was executed by WCRC on February 2, 2018, and by the City on February 20, 2018, and that it does not alter, amend or abridge any of the rights, obligations, or duties not expressly addressed herein.

IN WITNESS WHEREOF, the parties hereto have caused their signatures to be set by their authorized representative effective the date set forth herein above.

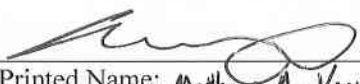
**WATERSHED CONSERVATION
RESOURCE CENTER**



Sandi J. Formica, Executive Director

Date: March 21, 2019

WITNESS:



Printed Name: Matthew A. Van Eps, P.E.
3/21/19

**CITY OF FAYETTEVILLE,
ARKANSAS**

Lioneld Jordan, Mayor

Date: _____

ATTEST:

Sondra E. Smith, City Clerk-Treasurer



WATERSHED CONSERVATION
RESOURCE CENTER

EXHIBIT A

March 4, 2019

Tim Nyander
Utilities Director
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

RE: Cost over-run for Sweetbriar Park Streambank Repairs

Mr. Nyander,

This correspondence is being submitted in order to document and justify the cost over-runs incurred by the Watershed Conservation Resource Center (WCRC) during the repair of damage to a previously restored streambank at Sweetbriar Park where a water main traverses the stream channel of Niokaska Creek. The goals of the original stream restoration project were to reduce streambank erosion, protect park land and civil infrastructure, enhance aquatic and terrestrial habitat, and improve the park aesthetics. The WCRC implemented natural channel design principles that resulted in a reduction of sediment and nutrient loadings to the stream, but the project suffered damage from excessive flooding in April of 2017. In order to meet the original project goals and create an enduring repair, additional field engineering was required to address unanticipated challenges during construction. Unanticipated challenges in the field included realignment of the cross-vane arm to improve flow redirection capability, placement of imbricated fill in the area between the vane arm and the streambank, filling between the vane structure and the site infrastructure, and integrating the repair into existing portions of the project that were unaffected by flooding. Addressing these challenges required more field time for the project engineer and project manager than was estimated during the initial budgeting process. Additionally, creating a robust riparian area and energy dissipation controls required additional design and an increase in labor costs for installation. As a result, labor expenses for the project exceeded the approved budgeted amount by \$12,160.31.

A copy of the time expenses that exceeded the original budget are included in the invoicing documentation. If you have any questions about the additional work required or expenses, please contact me at your earliest convenience.

Sincerely,

Matthew A. Van Eps, PE
Associate Director
Watershed Conservation Resource Center



WATERSHED CONSERVATION
RESOURCE CENTER
380 W. Rock Street, Fayetteville, AR 72701

Invoice

Date	Invoice #
12/4/2018	2427

Bill To
City of Fayetteville Accounts Payable 113 West Mountain Street Fayetteville, AR 72701

WCRC Accounts Receivable
380 W. Rock Street
Fayetteville, AR 72701
Attn: Lori Linn
Phone: (479) 444-1916

Phone #	Fax #	E-mail
(479) 444-1916	(928) 396-2546	llinn@watershedconservation.org

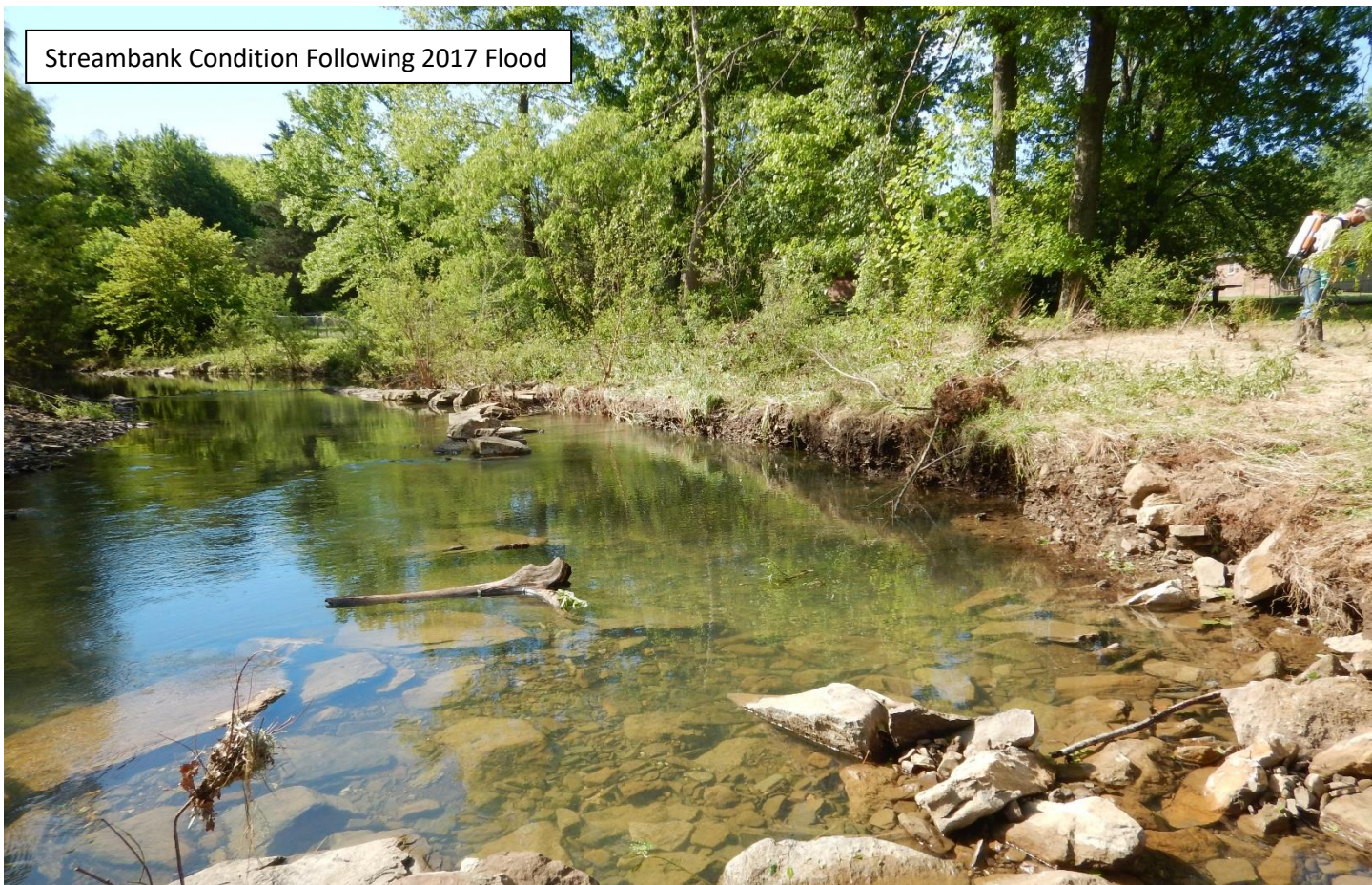
Due Date
1/4/2019

Item	Description	Quantity	Amount
Sweetbriar-City of Fa...	City of Fayetteville - Sweetbriar Streambank Repair for Water Quaiity Improvements		12,160.31
Please make checks payable to: Watershed Conservation			Total \$12,160.31

Watershed Conservation Resource Center
Sweetbriar Streambank Repair for Water Quality Improvements
September - 2018

Date	Name	Class	#hours
801 - SALARIES AND WAGES			
09/10/2018	MATTHEW A VAN EPS	Fayetteville-City of:Fayetteville-Sweetbriar:SWEETBRIAR 2018 REPAIR	25
09/24/2018	Jordan K Forbis	Fayetteville-City of:Fayetteville-Sweetbriar:SWEETBRIAR 2018 REPAIR	31
09/24/2018	Joseph E Hixson	Fayetteville-City of:Fayetteville-Sweetbriar:SWEETBRIAR 2018 REPAIR	23
09/24/2018	MATTHEW A VAN EPS	Fayetteville-City of:Fayetteville-Sweetbriar:SWEETBRIAR 2018 REPAIR	25
09/24/2018	SANDI J FORMICA	Fayetteville-City of:Fayetteville-Sweetbriar:SWEETBRIAR 2018 REPAIR	10
		Sub-Total Wages	7563.37
		Fringe Expenses	1955.6
		Indirect Expenses	2641.34
		Total Salaries and Wages	12160.31

Streambank Condition Following 2017 Flood



Streambank Condition After Repairs

Streambank Condition Following 2017 Flood



Streambank Condition After Repairs





113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Resolution: 58-18

File Number: 2018-0103

WATERSHED CONSERVATION RESOURCE CENTER TASK ORDER NO. 6:

A RESOLUTION TO APPROVE TASK ORDER NO. 6 WITH THE WATERSHED CONSERVATION RESOURCE CENTER IN THE AMOUNT OF \$25,140.00 FOR THE REPAIR OF FLOOD DAMAGE TO THE STREAM RESTORATION PROJECT AT SWEETBRIAR PARK

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:


Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Task Order No. 6 with the Watershed Conservation Resource Center in the amount of \$25,140.00 for the repair of flood damage to the stream restoration project at Sweetbriar Park.

PASSED and APPROVED on 2/20/2018

Approved:


Lioneld Jordan, Mayor

Attest:


Sondra E. Smith, City Clerk Treasurer





City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2018-0103

Agenda Date: 2/20/2018

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 6

WATERSHED CONSERVATION RESOURCE CENTER TASK ORDER NO. 6:

A RESOLUTION TO APPROVE TASK ORDER NO. 6 WITH THE WATERSHED CONSERVATION RESOURCE CENTER IN THE AMOUNT OF \$25,140.00 FOR THE REPAIR OF FLOOD DAMAGE TO THE STREAM RESTORATION PROJECT AT SWEETBRIAR PARK

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Task Order No. 6 with the Watershed Conservation Resource Center in the amount of \$25,140.00 for the repair of flood damage to the stream restoration project at Sweetbriar Park.

City of Fayetteville Staff Review Form

2018-0103

Legistar File ID

2/20/2018

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Byron Humphry

2/2/2018

PARKS & RECREATION (520)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of Task Order No. 6 in the amount of \$25,140 with the Watershed Conservation Resource Center to repair flood damage to the stream restoration project at Sweetbriar Park.

Budget Impact:

4270.900.9280.5314.00		4270 - Disaster and Replacement	
Account Number		Fund	
31702.1		FEMA Flood 2017	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ 516,250.00
		Funds Obligated	\$
		Current Balance	\$ 516,250.00
Does item have a cost?	Yes	Item Cost	\$ 25,140.00
Budget Adjustment Attached?	No	Budget Adjustment	
		Remaining Budget	\$ 491,110.00

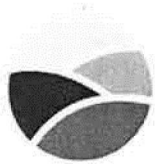
Previous Ordinance or Resolution # 2018-0080

V20140710

Original Contract Number:

Approval Date:

Comments:



MEETING OF FEBRUARY 20, 2018

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director

FROM: Byron Humphry, Parks Maintenance Superintendent

DATE: February 2, 2018

SUBJECT: **Approval of Task Order No. 6 in the amount of \$25,140 with the Watershed Conservation Resource Center to repair flood damage to the stream bank restoration project at Sweetbriar Park.**

RECOMMENDATION:

Staff recommends approval of Task Order No. 6 in the amount of \$25,140 with the Watershed Conservation Resource Center to repair flood damage to the stream restoration project at Sweetbriar Park.

BACKGROUND:

On January 7, 2014, City Council approved Resolution Number 5645 to waive competitive bidding and enter into a memorandum of understanding (MOU) with the Watershed Conservation Resource Center (WCRC). The resolution expressed the City's desire to work jointly with the WCRC to identify, fund and complete stream restoration projects, work together on nonpoint source (NPS) related issues associated with reducing nutrients, and improving riparian and other natural areas. To that degree, the City and WCRC have completed several restoration projects through this partnership. These projects include, but are not limited to: the White River Riverbank Stabilization Project, Niokaska Creek within Sweetbriar Park, Niokaska Creek within Gulley Park and the West Fork of White River Airport Site.

Since that time, much work has been performed on the completed projects. This includes the continued establishment of high density native vegetation in the riparian area as well as repairs to the existing projects.

In April, 2017, the NW AR region experienced significant flooding that resulted in a declaration of disaster by the Governor that qualified the region for federal funding through FEMA to repair flood damaged infrastructure. The Sweetbriar Stream Restoration project was damaged in the flood. WCRC provided an estimate of repair of the damaged streambank and structures including mitigation efforts to prevent future failure in the amount of \$25,140. Staff met with FEMA officials to discuss the estimate and determine eligibility of the repair. FEMA officials submitted a project worksheet to provide federal assistance in the amount of \$8,084.02.

DISCUSSION:

The MOU (Effective date January 9, 2014) outlines a process by which task orders can be developed for various activities that are in line with the goal of reducing NPS pollution and restoring the City's streams. Task Order No 6 is presented pursuant to the MOU and consists of efforts to make repairs as necessary to the Sweetbriar Stream Restoration Project to ensure the continued success of the restoration project.

The Sweetbriar restoration project repaired and protected an incised and eroded stream bank, stabilizing the bank and preventing erosion and sediment deposition into the stream. The project also protects a 36" water line that runs underneath the creek. Prior to the restoration project, this high-pressure water line was exposed and vulnerable to damage.

A permanent repair of the flood damaged restoration project is essential to protect the integrity of both the shoreline and the 36" waterline.

BUDGET/STAFF IMPACT:

Task Order No 6 to repair the streambank is \$25,140 which will come from the Disaster and Replacement Fund. FEMA approved a project total of \$8,084 for the Sweetbriar restoration repair and will pay 75% of that total, or \$6,063. The net cost of the project repair after FEMA funding is received will be \$19,077.

Attachments:

Task Order No. 6

Ordinance 5645

Memorandum of Understanding

TASK ORDER NO. 6

MITIGATION OF FLOOD DAMAGE TO SWEETBRIAR PARK STREAM
RESTORATION PROJECT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

This Task Order is written pursuant to the Memorandum of Understanding (MOU) as described in Ordinance No. 5354 executed on January 9, 2014. The referenced MOU pertains to potential stream restoration projects and associated services with the Watershed Conservation Resource Center (WCRC). This Task Order entered into and executed on the date indicated below the signature block by and between the City of Fayetteville and Watershed Conservation Resource Center sets forth the project description, project schedule and associated fees for these services related to maintaining and caring for stream and river restoration projects previously constructed that were funded by the City and grant funds.

Section I - Project Description

The stream restoration project on Niokaska Creek at Sweetbriar Park was implemented in 2011 using EPA 319(h) grant funding administered by Arkansas Natural Resources Commission. Matching funds were provided by the City of Fayetteville. The goals of the project included, protection of civil infrastructure, reduction of streambank erosion, reduction of loss of park lands, mature trees, and playground equipment, improvement of water quality, and development of complimentary aesthetics to the surround park. In order to achieve these objectives, a restoration plan was developed using the Natural Channel Design Approach. The approach allowed the project to meet all of the project goals.

Flooding in April 2017 resulted in damage to portions of the restoration project area. Gage heights from a variety of USGS gage stations within close proximity to the project indicate that the flooding that took place in 2017 resulted in the highest water levels observed since operation of those gage stations began. Damage to the project occurred primarily in the vicinity of the 36" high-pressure water main which crosses the channel of Niokaska Creek.

Temporary repairs have been made to the site, but those efforts are intended to temporarily protect areas of scour until a resilient repair can be made. The Federal Emergency Management Agency (FEMA) has approved a budget to reimburse the city for a portion of the estimated costs to implement the appropriate repair strategy.

A description of the damage to the project and budget justification is presented in Attachment 1.

The WCRC will utilize City disaster funds to restore the damaged portion of the stream that passes through the park to a condition that is more resilient to flood damage.

Section II - Project Timeframe

The project will be conducted from February 21, 2018 to February 28, 2019.

Section III - Scope of Services

The WCRC will develop and implement a repair plan that conforms to the existing features of the restoration site that were unaffected by the 2017 flooding. The repair will utilize the principles of Natural Channel Design as was the basis for the original project. The final product will achieve a more resilient restoration with an aesthetic that compliments the existing project and adjacent parkland.

Project administration includes financial tracking and reporting, procurement of contractors and materials, and coordination among project partners and contractors. All procurement measures must follow procedures approved by the City of Fayetteville. A repair plan including all technical design elements will be developed.

Implementation of streambank restoration repair includes obtaining ADEQ authorization, coordinating construction material deliveries, securing equipment and contractor, overseeing heavy equipment construction, performing minor construction, and re-vegetating the area where repairs are to be made.

Section IV - Fees and Payments

WCRC will perform the above-referenced Scope of Services for a total cost NTE \$25,140. A breakdown of the estimated project expenses is shown in Attachment 1.

Section V - Memorandum of Understanding in Effect

Except as amended specifically herein, the Memorandum of Understanding Fayetteville shall remain in full force as originally approved.

IN WITNESS WHEREOF, the parties hereto have caused this TASK ORDER to be duly executed as of the date and year first herein written.

FOR THE CITY OF FAYETTEVILLE

By: 

Mayor Lionel Jordan

Date: 2-20-2018

Attest: 

Sondra Smith, City Clerk

FOR WATERSHED CONSERVATION RESOURCE CENTER

By: 

Sandi J. Formica

Date: Feb 2, 2018

Attest: 

Matthew A. Van Eps



Attachment 1

Niokaska Creek Streambank Flood Repair

Repair Budget Justification

The stream restoration project on Niokaska Creek at Sweetbriar Park was implemented in 2011 using EPA 319(h) grant funding administered by Arkansas Natural Resources Commission. Matching funds were provided by the City of Fayetteville. The goals of the project included, protection of civil infrastructure, reduction of streambank erosion, protection and reduction of loss of park lands, mature trees, and playground equipment improvement of water quality, and development of complimentary aesthetics to the surround park. In order to achieve these objectives, a restoration plan was developed using the Natural Channel Design Approach. The approach allowed the project to meet all of the project goals.

A major piece of civil infrastructure, in the form of a 36" high-pressure water main was protected by the stream restoration work. The water line is encased in concrete as it crosses the width of the channel. Once the water line goes under the restored streambank on river left. It is no longer protected by concrete and therefor a robust restoration approach to protect the line was critical. The primary design element

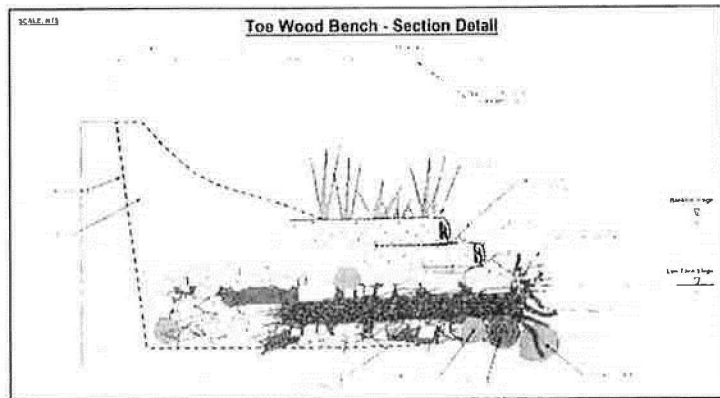


Figure 1 Design schematic for "Toe-Wood" structure constructed on Niokaska Creek at Sweetbriar Park in 2011.

for creating a resilient and natural looking streambank was the utilization of a Natural Channel Design Technique commonly referred to as "toe-wood." Toe-wood uses a combination of logs, large boulders, gravels, and native vegetation planted at a high density. A basic schematic of the toe-wood design is shown in Figure 1. A picture of the streambank created with the use of a toe-wood structure at Sweetbriar Park, after four years of growth, is shown in Figure 2.



Figure 2 Restored streambank (right) in September 2016. The bank was restored using "toe-wood" construction. Note extent of vegetation present along the edge of bank.

Attachment 1

Flooding in April 2017 resulted in damage to portions of the restoration project area. Gage heights from a variety of USGS gage stations within close proximity to the site indicate that the flooding that took place in 2017 resulted in the highest water levels observed since operation of those gage stations. Damage to the project occurred primarily in the vicinity of the 36" high-pressure water main which crosses the channel of Niokaska Creek. Excessive centrifugal velocities resulting from the flash flooding caused scour of the vegetation, soil, and substrate from the toe-wood bench along a 75' linear feet extent of streambank, including the area where the water main crosses the channel. The maximum amount of lateral scour was approximately 12 feet. A photograph of the damaged area is shown in Figure 3.

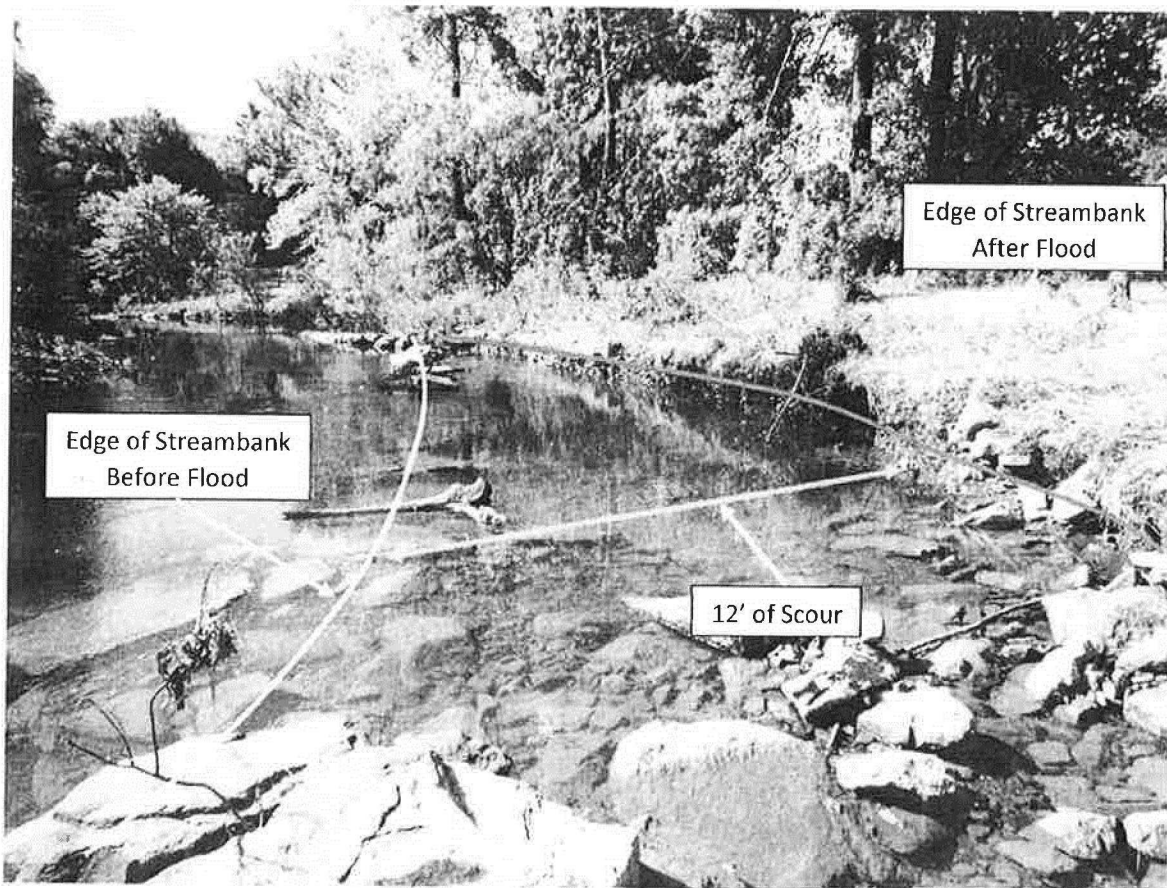


Figure 3 Area of scour that occurred along Niokaska Creek near the 36 inch high pressure water line. The damage occurred during extreme flooding that occurred in late April 2017.

As a temporary measure aimed at preventing the scour and loss of any additional streambank cover over the water line, the City of Fayetteville placed fill along the edge of the scoured streambank. This fill consists primarily of gravel with some rip-rap and a few boulders. The intent of this temporary fill was to allow floodwaters from floods that occur prior to implementation of a repair that restored the site to its previous condition to scour the temporary fill, rather than scouring the remaining portions of the original project. It can be said with certainty, that the temporary fill placed along the damage area will be scoured away and moved downstream with the first significant flood that takes place. Since the fill was placed, no floods or high water have occurred. In addition, the temporary fill was not placed in a manner that resulted in re-establishment of the proper stream morphology. Without correcting the

Attachment 1

radius of curvature where the scour occurred and the fill was placed, the long-term resiliency of the stream restoration project is at risk. The temporary fill in-place today will not protect the waterline or streambank against the smallest of future floods. A photograph of the temporary repair is shown in Figure 4.



Figure 4 Temporary fill was placed along the scoured streambank of Niokaska Creek. The temporary fill will mobilize and be washed away from the scoured area that is protected by this short-term and temporary effort.

The budget presented in Table 1 includes the material, labor, and engineering costs required to restore the site to the condition that existed prior to the flooding of 2017. Material procurement includes structural materials such as trees and boulders needed to reconstruct the toe-wood bench shown in Figure 1. There is an existing 30 tons of rock on site that will be used in the construction of the toe-wood bench. An additional 35 tons of boulders are needed to provide additional protection. Erosion control fabric material consisting of Bio-D Blocks, is needed to create encapsulated soil mattresses that allow for construction of the soil lifts without soil scour during the vegetation re-establishment period. Native plants will need to be purchased to create streambank roughness that will reduce water velocity and scour potential as the vegetation matures. Labor for constructing and re-planting native vegetation will be required. Construction oversight by the project engineer and project manager will be minimized but is required for correct installation of the repair work.

Attachment 1

Estimated Project Budget for Niokaska Creek Stream Restoration Repairs at Sweetbriar Park - Restore to More Resilient Condition

Downstream Repairs for Niokaska Creek Through Sweetbriar Park	Task	Item	Units	Qty	Unit Cost (\$)	Estimated Cost (\$)
	Repair of Area Near Waterline	Logs for Toe Wood	ea.	30	80	\$2,400.00
		Large Boulders	ton	35	80	\$2,800.00
		Top Soil	yd ³	32	20	\$640.00
		Native Plants and Seed	l.s.	1	500	\$500.00
		Erosion Control Fabric	ea.	8	100	\$800.00
		Excavator ¹	hr.	40	150	\$6,000.00
		Skidsteer ¹	hr.	40	100	\$4,000.00
	Site Finishing	Labor	hr.	80	30	\$2,400.00
	Design and Construction Oversight	Engineer PE	hr.	28	90	\$2,520.00
		Project Manager	hr.	28	110	\$3,080.00
	Park Total					\$25,140.00

¹ Cost includes equipment, fuel, and operator

ORDINANCE NO. 5645

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A FIVE YEAR MEMORANDUM OF UNDERSTANDING WITH THE WATERSHED CONSERVATION RESOURCE CENTER TO JOINTLY SEEK FUNDING AND USE SUCH FUNDING TO DESIGN AND CONSTRUCT STREAM RESTORATION PROJECTS

WHEREAS, the City of Fayetteville has long worked with the Watershed Conservation Resource Center (WCRC) and funded quality stream restoration projects successfully completed by the Center; and

WHEREAS, the provisions of the attached Memorandum of Understanding meet the City of Fayetteville's need for continuing stream restoration projects at little or no cost to the City; and

WHEREAS, the Watershed Conservation Resource Center can efficiently and effectively provide this service at a significant savings to the citizens of Fayetteville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a Memorandum of Understanding (marked as Exhibit "A" attached hereto and made a part hereof) between the City of Fayetteville, Arkansas and the Watershed Conservation Resource Center to jointly seek funding and use such funding to design and construct stream restoration projects and authorizes Mayor Jordan to sign such Memorandum.

PASSED and APPROVED this 7th day of January, 2014.

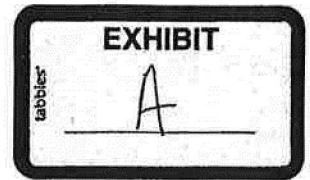
APPROVED:

By: 
LIONELED JORDAN, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer





MEMORANDUM OF UNDERSTANDING
Between
Watershed Conservation Resource Center
And
City of Fayetteville

This Memorandum of Understanding (MOU) is entered into and executed on the date indicated below the signature block, by and between the Watershed Conservation Resource Center, hereinafter referred to as WCRC, and the CITY OF FAYETTEVILLE.

A. PURPOSE

The purpose of this MOU is to establish a general framework for cooperation between the WCRC and the CITY OF FAYETTEVILLE to 1) seek funding and conduct stream restoration projects to achieve the common goal of restoring unstable sections of streams to a morphologically stable form utilizing a natural channel design approach and 2) to work together on nonpoint source (NPS) related issues associated with reducing nutrients and improving riparian and other natural areas. Innovative approaches will be used in designing and implementing stream restorations that will result in improved water quality of the City's watersheds and will address severe streambank erosion, while restoring aquatic and terrestrial habitat and maintaining a sustainable, natural hydrology. Such cooperation will serve the parties' mutual interest.

B. STATEMENT OF MUTUAL INTERESTS AND BENEFITS

The WCRC is a nonprofit organization that strives to protect, conserve, and restore natural resources by utilizing the watershed approach, conducting environmental outreach, and providing planning and technical assistance to landowners, communities, and government. The WCRC principals are regional experts and local leaders in implementing natural channel design-based stream restorations that meet multiple local and regional objectives relating to river channel instability, water quality, and ecological services. This MOU is of benefit to the CITY OF FAYETTEVILLE because these activities will help to meet the objectives of the City's Nutrient Reduction Plan and will lead to both aquatic and terrestrial habitat restoration, improved water quality in the form of both phosphorus and sediment reductions, reduced streambank erosion, and improve aesthetics of local streams and rivers. This effort will also help to promote the use of alternatives to traditional channel modifications in both urbanizing and rural areas.

The WCRC and the CITY OF FAYETTEVILLE partnered and have obtained several grants for restoring streams within the City and surrounding areas and for assessing streams for stability and contaminant reduction. These projects have brought over \$2,300,000 to the City for water quality and other environmental improvements and have helped to create local partnerships and outreach opportunities in the areas of river restoration, riparian enhancement, and watershed planning. Four stream and streambank restoration projects have been implemented that have resulted in over 4000 tons of sediment and 3,700 lbs of total phosphorus reductions, annually from streambank erosion, restored both aquatic and terrestrial habitat, protected City

infrastructure, and improved aesthetics of City Parks and other properties. The WCRC currently has three active projects with the City and other partners to conduct more river restoration and assess urban streams and riparian areas to identify priority sites in need of restoration. In addition, the WCRC continues to monitor and maintain the four implemented stream restoration sites.

C. FEES AND PAYMENTS

No fee is associated with this MOU. As projects are identified by the City, a Task Order establishing the scope, fee, and payment terms for the project will be developed. The basis of this fee and justification for the fee shall be contained in an Appendix attached to each Task Order. Adjustment of the fee may be made should WCRC establish and the CITY OF FAYETTEVILLE agree that there has been, or is to be, a significant change in scope, complexity or character of the services to be performed; or if the CITY OF FAYETTEVILLE decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment.

In consideration of the above premises, the parties agree as follows:

D. THE WCRC:

1. Shall seek funding opportunities for stream restoration projects and other projects related to reduction of non-point source pollution.
2. Upon approval of specific Task Orders by the Mayor or City Council, as required by the City's procurement requirements, shall provide the services detailed in each Task Order. Said tasks may include:
 - a. Identification of stream reaches that could benefit from stream restoration and prioritize, in streams within the City limits.
 - b. Estimation of phosphorous reduction that would be realized for each priority stream restoration project.
 - c. Assistance in developing grant applications for identified stream restorations and other non-point source pollution assessment projects.
 - d. Assistance to the CITY OF FAYETTEVILLE in addressing other NPS related issues.
3. Shall accomplish other specific tasks as detailed in each Task Order

E. THE CITY OF FAYETTEVILLE:

1. Shall coordinate all activities within the City of Fayetteville Divisions and Departments and between the CITY OF FAYETTEVILLE and the WCRC.
2. Shall assist with project activities and tasks.
3. Shall provide review and input into the final restoration designs.
4. Shall oversee activities and coordinate staff needed for implementation of the restoration designs.
5. Shall provide documentation of all project activities and associated matching funds.
6. Recognizes that their participation in stream restoration and NPS projects acquired is an integral component in carrying out a successful project that will result in improved water quality and habitat restoration.
7. Shall accomplish other specific tasks as detailed in each Task Order.

F. IT IS MUTUALLY AGREED AND UNDERSTOOD BY ALL PARTIES THAT:

1. FREEDOM OF INFORMATION ACT (FOIA). CITY OF FAYETTEVILLE contract and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE, the WCRC will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance. Any information furnished to the WCRC under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).

2. MODIFICATION. Modifications within the scope of the instrument shall be made by mutual consent of the parties. Changes, modifications, or amendments in scope (other than as specifically established in this MOU), price or fees to this agreement shall not be allowed without a prior formal contract amendment approved by the Mayor and/or the City Council in advance of the change in scope, cost or fees.

3. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the WCRC or the CITY OF FAYETTEVILLE from participating in similar activities with other public or private agencies, organizations, and individuals.

4. COMMENCEMENT/EXPIRATION DATE. The instrument is executed as of the date of the last signature and is effective for five years.

5. PRINCIPAL CONTACT. The principal contacts for this instrument are:

Sandi Formica, Executive Director
Watershed Conservation Resource Center
380 West Rock Street
Fayetteville, AR 72701
Office Phone: 479-444-1916
Cell Phone: 501-352-5252
Office Fax: 928-396-2546
E-mail: formica@watershedconservation.org

Chris Brown, P.E., City Engineer
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Phone: 479-575-8206
Fax: 479-575-8202
E-mail: cbrown@ci.fayetteville.ar.us

Sarah Wrede, E.I., Staff Engineer
City of Fayetteville
Phone: 479-575-8206
E-mail: swrede@ci.fayetteville.ar.us


6. NONDISCRIMINATION. During the performance of this agreement, all parties will abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of age, race, color, religion, sex, national origin, or disability.

S.J.F.


Sandi J. Formica, Executive Director
Watershed Conservation Resource Center

12/18/13

Date



Lioneld Jordan, Mayor
City of Fayetteville

1/9/14

Date

Sandra E. Smith

Sondra E. Smith, City Clerk/Treasurer
City of Fayetteville

01-09-14

Date



City of Fayetteville Item Review Form

2013-0244

Legistar File Number

1/7/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Sarah Wrede

Submitted By

Development Services

Department

Action Required:

An ordinance to waive competitive bidding and to enter into a Memorandum of Understanding with the Watershed Conservation Resource Center to establish a general framework for cooperation to seek funding and conduct stream restoration projects and to work together on nonpoint source related issues.

Does this item have a cost? ☐ No

\$0.00

Cost of this request

\$0.00

Category or Project Budget

n/a

Program or Project Name

n/a

Account Number

\$0.00

Funds Used to Date

n/a

Program or Project Category

n/a

Project Number

\$0.00

Remaining Balance

n/a

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐ No

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

Paul A. Buhner 12-19-13
Paul A. Buhner 12-19-2013

Am. Wrede 12-19-13
Richard Jordan 12/20/13

12-19-13 10:52 AM RCVD

Am. Wrede





CITY COUNCIL AGENDA MEMO

Council Meeting of January 7, 2014

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Chris Brown, City Engineer

From: Sarah Wrede, Staff Engineer

Date: December 18, 2013

Subject: An ordinance to waive competitive bidding and renew a Memorandum of Understanding with the Watershed Conservation Resource Center to continue a general framework for cooperation to seek funding and conduct stream restoration projects and to work together on nonpoint source related issues.

PROPOSAL

The purpose of this Memorandum of Understanding (MOU) is to establish a general framework for cooperation between the Watershed Conservation Resource Center (WCRC) and the City of Fayetteville to 1) seek funding and conduct stream restoration projects to achieve the common goal of restoring unstable sections of streams to a morphologically stable form utilizing a natural channel design approach and 2) to work together on nonpoint source (NPS) related issues associated with reducing nutrients and improving riparian and other natural areas.

The WCRC is a nonprofit organization that strives to protect, conserve, and restore natural resources by utilizing the watershed approach, environmental outreach, and providing planning and technical assistance to landowners, communities, and government. The WCRC principals are regional experts and local leaders in implementing natural channel design-based stream restorations that meet multiple local and regional objectives relating to river channel instability, water quality, and ecological services. The WCRC and the City have successfully partnered to receive over \$2,300,000 in federal grants for water quality and other environmental improvements. WCRC has been instrumental in securing these funds due to their relationships with Federal grant agencies and their proven track record of successful stream restoration projects. This MOU will establish a continued partnership between the City and WCRC whereby the WCRC will actively seek grant funding for stream restoration projects in the City of Fayetteville, and will allow the City the opportunity to quickly take advantage of opportunities identified. The MOU is effective for a period of five years.

RECOMMENDATION

Staff recommends approval of an ordinance to waive competitive bidding and to renew a Memorandum of Understanding with the Watershed Conservation Resource Center to continue a general framework for cooperation to seek funding and conduct stream restoration projects and to work together on nonpoint source related issues.

BUDGET IMPACT

The proposed agreement will cause no budget impact. As tasks are identified, a Task Order, with associated fee, will be developed for approval by the Mayor and City Council.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A FIVE YEAR MEMORANDUM OF UNDERSTANDING WITH THE WATERSHED CONSERVATION RESOURCE CENTER TO JOINTLY SEEK FUNDING AND USE SUCH FUNDING TO DESIGN AND CONSTRUCT STREAM RESTORATION PROJECTS

WHEREAS, the City of Fayetteville has long worked with the Watershed Conservation Resource Center (WCRC) and funded quality stream restoration projects successfully completed the Center; and

WHEREAS, the provisions of the attached Memorandum of Understanding meet the City of Fayetteville's need for continuing stream restoration projects at little or no cost to the City; and

WHEREAS, the Watershed Conservation Resource Center can efficiently and effectively provide this service at a significant savings to the citizens of Fayetteville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a Memorandum of Understanding (marked as Exhibit "A" attached hereto and made a part hereof) between the City of Fayetteville, Arkansas and the Watershed Conservation Resource Center to jointly seek funding and use such funding to design and construct stream restoration projects and authorizes Mayor Jordan to sign such Memorandum.

PASSED and APPROVED this 7th day of January, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer