

City of Fayetteville Staff Review Form

2020-0337

Legistar File ID

5/5/2020

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

Chris Brown

4/16/2020

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of Task Order No. 04 in the amount of \$58,000 with the Watershed Conservation Resource Center for continuing native vegetation establishment efforts and performing minor adjustments within the stream as necessary to ensure the continued success of completed restoration projects

Budget Impact:

<p>4470.621.8810-5314.00</p> <hr/> <p align="center">Account Number</p> <p align="center">02097.2015</p> <hr/> <p align="center">Project Number</p>	<p>4470-Sales Tax Capital Improvements</p> <hr/> <p align="center">Fund</p> <p align="center">Stormwater Quality Management (Stormwater Quality Mgmt/Nutrient Reduction)</p> <hr/> <p align="center">Project Title</p>
<p>Budgeted Item? <u>Yes</u></p>	<p>Current Budget \$ 273,027.00</p>
<p>Does item have a cost? <u>Yes</u></p>	<p>Funds Obligated \$ 70,098.72</p>
<p>Budget Adjustment Attached? <u>No</u></p>	<p>Current Balance \$ 202,928.28</p>
	<p>Item Cost \$ 58,000.00</p>
	<p>Budget Adjustment</p>
	<p>Remaining Budget \$ 144,928.28</p>

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # 6141

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF MAY 5, 2020

TO: Mayor and City Council

THRU: Susan Norton, Chief of Staff
Garner Stoll, Development Services Director
Chris Brown, City Engineer

FROM: Alan Pugh

DATE: April 15, 2020

SUBJECT: Approval of Task Order No. 04 in the amount of \$58,000 with the Watershed Conservation Resource Center for continuing native vegetation establishment efforts and performing minor adjustments within the stream as necessary to ensure the continued success of completed restoration projects.

RECOMMENDATION:

Staff recommends approval of Task Order No. 04 in the amount of \$58,000 with the Watershed Conservation Resource Center for continuing native vegetation establishment efforts and performing minor adjustments within the stream as necessary to ensure the continued success of completed restoration projects.

BACKGROUND:

On January 3, 2019, City Council approved Resolution Number 6141 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 Gully Park and the West Fork of White River Airport Site. This task order deals specifically with the West Fork White River Airport project.

DISCUSSION:

The MOU 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. This Task Order is presented pursuant to the MOU and consists of continuing efforts to establish and maintain dense native vegetation as well as make minor modifications as necessary to the stream to ensure the continued success of the completed restoration projects.

Establishment of a high-density riparian zone consisting of native vegetation is critical in creating stream and river restoration project that will, upon maturity of the vegetation, be able to

withstand the power of future flood events. This can take several growing seasons to achieve and ensure the native species are not overrun with invasive species. Also, minor adjustments occasionally need to be conducted within the stream or river channel restoration area to prevent cumulative degradation of the restoration project. This task order will provide funding to the WCRC to conduct activities that help to ensure establishment of healthy, native vegetation and the channel stability of the restoration projects. This in turn will help to project the investments made by the City of Fayetteville to improve water quality, habitat and recreational values of our local streams and water bodies.

BUDGET/STAFF IMPACT:

The Stormwater Quality Management/Nutrient Reduction project has been designated in part to fund projects that improve stormwater quality in the City of Fayetteville and would be proposed as the source for the funds.

Attachments:

Task Order No. 04

Ordinance 6141

Memorandum of Understanding

TASK ORDER NO. 4**VEGETATION AND CHANNEL STABILITY ESTABLISHMENT
WEST FORK WHITE RIVER RESTORATION AT FAYETTVILLE
EXECUTIVE AIRPORT**

STATE OF ARKANSAS

COUNTY OF WASHINGTON

This Task Order is written pursuant to the Memorandum of Understanding (MOU) as described in Ordinance No. 6141 executed on January 3, 2019. 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 WCRC sets forth the project description, schedule and associated fees for services related to maintaining and tending to the West Fork White River (WFWR) restoration project located at the Fayetteville Executive Airport that was implemented using a combination of Engineering Division and grant-based funds.

Section I - Project Description

This project consists of ongoing maintenance of a river restoration project whose original implementation was funded, in-part, with City funds that came from the Engineering Division's budget. This Task Order will establish a framework to provide continued project establishment funds to support the WFWR Restoration work that was implemented at the Fayetteville Executive Airport. To date, the project has prevented 11,000 lb of Total Phosphorus loading to the WFWR. Establishment of a high-density riparian zone consisting of native vegetation is critical in creating stream and river restoration projects that will, upon maturity of the vegetation, be able to withstand the power of future flood events. Also, minor repairs need to be occasionally conducted within the stream or river channel restoration area to prevent cumulative degradation of the restoration project. To insure the long-term success of this project, the WCRC maintained and cared for the project, at their own expense after the expiration of the original grant. In 2015, the City has been providing financial support for ongoing maintenance activities in order to foster long-term success of this project that has helped to reduce sediment and nutrient loading to Beaver Lake, our regions water supply source. This agreement will provide continued funding to the WCRC to conduct activities that help to continue to establish healthy, native vegetation and channel stability in order to protect the investment that the City has made to improve water quality, habitat, and recreational value of the WFWR.

Section II - Project Timeframe

The WCRC will conduct the work from March 1, 2020 to February 28, 2021.

Section III - Scope of Services

The WCRC will perform services that are targeted to maintain and improve the long-term functionality of the WFWR restoration project that was implemented utilizing Engineering Division Funding. These services include two major components: 1) Stream restoration maintenance activities that help to create long-term stability and 2) Vegetation Management. Stream restoration maintenance activities include but will not be limited to a) minor hand repairs of structural components of the restoration b) removal of unintended gravel deposition within the project site c) repair of soil mattresses and d) re-setting of boulders that may become displaced. Vegetation maintenance and management activities include but are not limited to a) irrigation of vegetation during summer months b) removal of invasive vegetation and c) planting additional native plants to enhance vegetation density. These funds are intended to cover costs associated with minor and routine maintenance of the site. Repair of damage to the project resulting from large infrequent flood events are generally not covered under this agreement and will be addressed under supplemental agreements. But, if necessary, these funds can be used towards major repairs.

Section IV - Fees and Payments

WCRC will perform the above-referenced Scope of Services amounts not to exceed \$58,000 for this agreement.

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 Lioneld Jordan

Attest: _____
Kara Paxton, City Clerk

Date: _____

FOR WATERSHED CONSERVATION RESOUCE CENTER

By: Digitally signed by Sandi J Formica
DN: cn=Sandi J Formica, o=Watershed
Conservation Resource Center, ou=
Watershed Conservation Resource Center,
c=US _____
Sandi Formica

Attest: _____
Matthew A. Van Eps,
P.E.

Digitally signed by Matthew A. Van Eps, P.E.
DN: cn=Matthew A. Van Eps, P.E., o=Watershed
Conservation Resource Center, ou=
Watershed Conservation Resource Center,
email=vaneps@watershedconservation.org, c=US
Date: 2020.04.15 21:11:26 -05'00'

Date: April 15, 2020



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

Ordinance: 6141

File Number: 2018-0723

WATERSHED CONSERVATION RESOURCE CENTER MOU:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE WATERSHED CONSERVATION RESOURCE CENTER FOR A TERM OF FIVE YEARS TO ESTABLISH A GENERAL FRAMEWORK OF COOPERATION TO SEEK FUNDING, CONDUCT STREAM RESTORATION PROJECTS AND TO WORK TOGETHER ON NONPOINT SOURCE RELATED ISSUES

WHEREAS, the Watershed Conservation Resource Center is a nonprofit organization with regional experts that strive 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; and

WHEREAS, the City has successfully partnered with the Watershed Conservation Resource Center in the past to receive approximately \$3,100,000.00 in federal grants for stream restoration and the Watershed Conservation Resource Center has been instrumental in securing these grant funds due to its relationship with federal grant agencies and a proven track record of successful stream restoration projects; and

WHEREAS, the purpose of the Memorandum of Understanding is to establish a general framework for cooperation between the Watershed Conservation Resource Center and the City to 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 to work together on nonpoint source related issues associated with reducing nutrients and improving riparian and other natural areas.

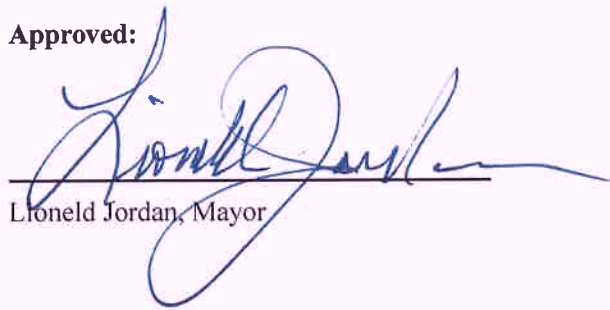
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

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 between the City of Fayetteville, Arkansas and 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 for the next five years.

PASSED and APPROVED on 1/3/2019

Approved:



Lonel Jordan, Mayor

Attest:



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, ecological services, and green infrastructure. 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 \$3,100,000 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. Seven stream and streambank restoration projects have been implemented that have resulted in over 11,900 tons of sediment and 8,500 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. Vegetation establishment and management at City sponsored stream restoration projects.
 - e. Assistance to the CITY OF FAYETTEVILLE in addressing other NPS related issues.
3. Shall accomplish other specific tasks as detailed in each Task Order.
4. Shall possess a valid contractor's license issued by the Arkansas Contractor's Licensing Board when the cost of the work to be done on any project undertaken on behalf of the City pursuant to this MOU or any Task Order, including, but not limited to, labor and materials, is fifty thousand dollars (\$50,000.00) or more, as required by Ark. Code Ann. 17-25-101, *et seq.* A copy of the license shall be provided to the City at the time WCRC submits its proposal for such a qualifying project.

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.

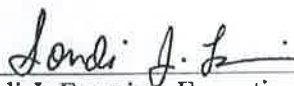
5. PRINCIPAL CONTACT. The principal contacts for this instrument are:

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@fayetteville-ar.gov


Alan Pugh, Staff Engineer
City of Fayetteville
Phone: 479-575-8206
E-mail: apugh@fayetteville-ar.gov

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.



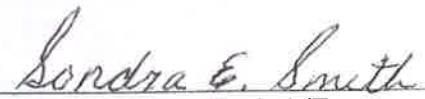
Sandi J. Formica, Executive Director
Watershed Conservation Resource Center

Dec 21, 2018
Date



Lionel Jordan, Mayor
City of Fayetteville

01/08/2019
Date



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

01/08/2019
Date