

**City Council Agenda Items
and
Contracts, Leases or Agreements**

2/21/2012

City Council Meeting Date
Agenda Items Only

Carole Jones/Alison Jumper
Submitted By

Park Planning
Division

Parks and Recreation
Department

Action Required:

Parks and Engineering staff request approval of Amendment No. 1 pursuant to the Memorandum of Understanding (MOU) as described in Ordinance No. 5268 with the Watershed Conservation Resource Center in an amount NTE \$25,201 and approval of a budget adjustment to repair portions of Niokaska Creek riparian corridor through Sweetbriar Park and surrounding properties that were damaged during the flooding in April 2011 (see attached memo).

\$	15,041.00
\$	5,180.00
\$	4,980.00

Cost of this request

\$	216,202.00
\$	15,896.00
\$	439,317.00

Category / Project Budget

Niokaska Creek Stream Restoration Demonstration
Niokaska Creek Stream Restoration Demonstration
Stormwater Quality Management/Nutrient Reduction

Program Category / Project Name

4470.9470.5806.00
2250.9256.5314.00
4470.9470.5817.00

Account Number

\$	195,058.90
\$	2,605.50
\$	289,316.97

Funds Used to Date

Sales Tax Capital Improvements
Park Land Dedication Funds (NW)
Sales Tax Capital Improvements

Program / Project Category Name

09025.0901
09025.0901
02097.1

Project Numbers

\$	21,143.10
\$	13,290.50
\$	150,000.03

Remaining Balance

Sales Tax/Grant
Park Land Dedication Funds (NW)
Sales Tax

Fund Name

Budgeted Item

Budget Adjustment Attached

Connie Edmonston 2-3-12
Department Director Date

Previous Ordinance or Resolution # 5268

John P. Kelly 2-6-12
City Attorney Date

Original Contract Date:

Original Contract Number:

Paul A. Beck 2-7-2012
Finance and Internal Services Director Date

Received in City Clerk's Office
ENTERED
2-3-12 *WJ*

Don Man 2-7-12
Chief of Staff Date

Received in Mayor's Office
ENTERED
2/6/12

Keith Jordan 2/7/12
Mayor Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director *CE*
Jeremy Pate, Development Services Director *JP*
Alison Jumper, Park Planning Superintendent *aj*

From: Carole Jones, Park Planner II *CJ*

Date: February 3, 2012

Subject: **Repair portions of Niokaska Creek riparian corridor through Sweetbriar Park and surrounding properties that were damaged during the flooding in April 2011**
Agenda Request for February 21, 2012 Meeting

PROPOSAL:

Sweetbriar Park contains 4.05 acres and is located at 2645 E. Sweetbriar Drive. The park is situated in the northeast quadrant of town east of Old Missouri Road and south of Joyce Boulevard. Niokaska Creek, a tributary to Mud Creek, flows through Sweetbriar Park. The creek is located within the Illinois River Watershed.

On September 1, 2009, the City Council passed Ordinance Number 5268 approving a Memorandum of Understanding (MOU) with the Watershed Conservation Resource Center to restore an approximately 1,600-foot section of Niokaska Creek that was incised and had several banks eroding into the park land and surrounding residential yards (see attached ordinance).

Construction of the original project was completed in March 2011. WCRC designed the original project and performed the construction observation working closely with the contractors. Severe flooding occurred in Washington County in April 2011, only one month following construction. Although the project successfully protected City park land and surrounding properties, damage to the project occurred in several locations and the damage should be addressed to maintain the integrity of the project.

Staff is requesting approval of Amendment No. 1 pursuant to the Memorandum of Understanding (MOU) as described in Ordinance No. 5268 with the Watershed Conservation Resource Center. This amendment includes repairing a portion of a previously constructed streambank restoration project along a section of Niokaska Creek in Sweetbriar Park and surrounding properties. Repairs to rock structures and adjacent constructed floodplains will be made. Native plant species will be replanted in the affected areas to create a healthy riparian corridor along the stream corridor. The scope of the amendment generally includes the design of the repairs, implementation and project administration including 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 portion of the project which is located along the park property is eligible for funding from FEMA. The remainder of the repairs are not eligible for funding from FEMA because the structures are located within the channel of the stream or are located on private property.

RECOMMENDATION:

Parks and Engineering staff request approval of Amendment No. 1 pursuant to the Memorandum of Understanding (MOU) as described in Ordinance No. 5268 with the Watershed Conservation Resource Center in an amount NTE \$25,201 and approval of a budget adjustment to repair portions of Niokaska Creek riparian corridor through Sweetbriar Park and surrounding properties that were damaged during the flooding in April 2011.

BUDGET IMPACT:

The cost of \$25,201 is accounted for in project numbers 09025.0901 - Niokaska Creek Stream Restoration Demonstration (\$20,221) and 02097.1 - Stormwater Quality Management/Nutrient Reduction (\$4,980).

Attachments:

Staff Review Form
Ordinance No. 5268
Amendment No. 1
Purchase Requisition
Budget Adjustment

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT NO. 1 TO A MEMORANDUM OF UNDERSTANDING WITH THE WATERSHED CONSERVATION RESOURCE CENTER (WCRC) IN AN AMOUNT NOT TO EXCEED \$25,201.00 TO REPAIR PORTIONS OF THE NIOKASKA CREEK RIPARIAN CORRIDOR THROUGH SWEETBRIAR PARK AND SURROUNDING PROPERTIES DAMAGED IN APRIL 2011 FLOODS, AND APPROVING A BUDGET ADJUSTMENT

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 Amendment No. 1 to a Memorandum of Understanding with the Watershed Conservation Resource Center (WCRC) in an amount not to exceed \$25,201.00, a copy of which is attached as Exhibit "A", to repair portions of the Niokaska Creek riparian corridor through Sweetbriar Park and surrounding properties damaged in April 2011 floods.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "B".

PASSED and APPROVED this 21st day of February, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

AMENDMENT NO. 1

REPAIR OF NIOKASKA STREAM RESTORATION PROJECT IN SWEETBRIAR PARK

STATE OF ARKANSAS

COUNTY OF WASHINGTON

This Amendment is written pursuant to the Memorandum of Understanding (MOU) as described in Ordinance No. 5268 executed on September 1, 2009. The referenced MOU pertains to a stream restoration project and associated services with the Watershed Conservation Resource Center (WCRC) for the Niokaska Stream Restoration in Sweetbriar Park. This Amendment entered into and executed on the date indicated below the signature block by and between the City of Fayetteville and the Watershed Conservation Resource Center sets forth the project description, project schedule and associated fees for these services related to the Repair of the Niokaska Creek Stream Restoration located in Sweetbriar Park.

Section I - Project Description

This project consists of repairs to a previously constructed streambank restoration project along a section of Niokaska Creek in Sweetbriar Park and surrounding properties. WCRC originally designed the project and performed the construction observation working closely with the contractors. Severe flooding occurred in Washington County in April 2011, only one month following implementation of the project. Although the project successfully protected City park land, damage to the project occurred in several locations and the damage should be addressed to maintain the integrity of the project. Repairs to rock structures and adjacent constructed floodplains will be made. Native plant species will be replanted in the affected areas to create a healthy riparian corridor along the stream corridor.

Section II - Project Timeframe

The project must be completed by or before October 12, 2012. Construction is anticipated to begin in March 2012 and be complete by September 30, 2012.

Section III - Scope of Services

- 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 U.S. Army Corps of Engineers and ADEQ authorization, coordinating construction material deliveries,



securing equipment and contractor, overseeing heavy equipment construction, performing minor construction, and re-vegetating site.

Section IV - Fees and Payments

WCRC will perform the above-referenced Scope of Services for a total cost NTE \$25,201. 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 AMENDMENT to be duly executed as of the date and year first herein written.

FOR THE CITY OF FAYETTEVILLE

By: _____
Mayor Lioneld Jordan

Attest: _____
Sondra Smith, City Clerk

Date: _____

FOR WATERSHED CONSERVATION RESOUCES CENTER

By: Sandi Formica
Sandi Formica

Attest: [Signature]

Date: Feb 2, 2012

Attachment 1

Estimated Project Budget for Niokaska Creek Stream Restoration Repairs at Sweetbriar Park

	Task	Item	Units	Qty	Unit Cost (\$)	Estimated Cost (\$)	
Downstream Repairs for Niokaska Creek Through Sweetbriar Park	Repair of Area Near Waterline	Coarse Fill	yd ³	70	40	\$2,800.00	
		Large Boulders	ton	20	56	\$1,120.00	
		Top Soil	yd ³	40	25	\$1,000.00	
		Excavator ¹	hr.	16	200	\$3,200.00	
		Skidsteer ¹	hr.	16	125	\$2,000.00	
	Protect Park Wetland Upstream	Rock Sill	ton	16	56	\$896.00	
		Excavator ¹	hr.	5	200	\$1,000.00	
		Skidsteer ¹	hr.	5	125	\$625.00	
	Repair Downstream Vanes	Excavator	hr.	4	200	\$800.00	
	Site Finishing	Labor	hr.	40	40	\$1,600.00	
						FEMA Funds (incl Mitigation)	\$15,041.00
	Design and Construction Oversight	Engineer PE	hr.	28	85	\$2,380.00	
		Project Manager	hr.	28	100	\$2,800.00	
							City Funds (Parks) Total
Upstream Repairs (Private Property)	Repair Upstream Bench	Top Soil	yd ³	20	25	\$500.00	
		Labor	hr.	40	40	\$1,600.00	
		Jute Fiber Roll	ea.	1	100	\$100.00	
	Equipment and Operator	Excavator ¹	hr.	4	200	\$800.00	
		Skidsteer ¹	hr.	4	125	\$500.00	
	Design and Construction Oversight	Engineer PE	hr.	8	85	\$680.00	
		Project Manager	hr.	8	100	\$800.00	
						City Funds (Engr) Total	\$4,980.00
					Total Cost	\$25,201.00	

¹ Cost includes equipment, fuel, and operator

**City of Fayetteville, Arkansas
Budget Adjustment Form**

A. 8 V11.0425
Watershed Conservation Resource
Center (WCRC) Amendment No. 1
Page 8 of 12

Budget Year 2012	Division: Parks & Recreation Department: Parks & Recreation	Request Date 2/2/2012	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

A budget adjustment to allocate funding from FEMA to Niokaska Creek Stream Resoration Demonstration in the amount of \$16,982. Moving \$11,000 in funding from the 2012 Project that had been allocated for Niokaska Creek in order to track the total project.

Alison Jumper Division Head <i>Alison Jumper</i> 2/2/2012 Date	Prepared By: <u>Tracie Martin</u> <i>tmartin</i>
Budget Director <i>[Signature]</i> 2-7-12 Date	Reference: _____
Connie Edmonston Department Director <i>Connie Edmonston</i> 2/2/2012 Date	Budget & Research Use Only
Finance Director <i>Paul a. Becher</i> 2-7-2012 Date	Type: A B C D E P
Chief of Staff <i>Don Mar</i> 2-7-12 Date	General Ledger Date _____
Mayor <i>Donald J. Jepsen</i> 2/7/12 Date	Posted to General Ledger Initial _____ Date _____
	Checked / Verified Initial _____ Date _____

TOTAL BUDGET ADJUSTMENT

16,982 16,982

Increase / (Decrease)

Account Name	Account Number	Expense	Revenue	Project.Sub Number
Park improvements	4470.9470.5806.00	16,982		09025 . 0901
Trans from Replacement	4470.0947.6602.27		16,982	11020 . 4470
Greenspace Fees NE	2250.0925.4419.01		11,000	09025 . 0901
Greenspace Fees NE	2250.0925.4419.01		(11,000)	02013 . 1201
Contract services	2250.9256.5315.00	11,000		09025 . 0901
Contract services	2250.9256.5315.00	(11,000)		02013 . 1201
				:
				:



ORDINANCE NO. 5268

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE WATERSHED CONSERVATION RESOURCE CENTER (WCRC) IN THE AMOUNT OF \$188,000.00 FOR A STREAM RESTORATION DEMONSTRATION PROJECT ON NIOKASKA CREEK THROUGH SWEETBRIAR PARK.

WHEREAS, the Watershed Conservation Resource Center possesses unique expertise and resources ideally suited to meet the City of Fayetteville's need for stream restoration as part of the Stormwater Phase II permit requirements; and

WHEREAS, the Watershed Conservation Resource Center can perform this work 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 (WCRC) in the amount of \$188,000.00 for a Stream Restoration Demonstration Project on Niokaska Creek through Sweetbriar Park.

PASSED and APPROVED this 1st day of September, 2009.

APPROVED:

By: 
LIONELD JORDAN, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer

ORDINANCE NO. 5268

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE WATERSHED CONSERVATION RESOURCE CENTER (WCRC) IN THE AMOUNT OF \$188,000.00 FOR A STREAM RESTORATION DEMONSTRATION PROJECT ON NIOKASKA CREEK THROUGH SWEETBRIAR PARK.

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APPROVED:

ATTEST:

By:


LIONELD JORDAN, Mayor

By:


SONDRA E. SMITH, City Clerk/Treasurer

City of Fayetteville - Purchase Order (PO) Request <small>(Not a Purchase Order) All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions) All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us</small>		Requisition No.: _____ Date: 2/21/2012 Expected Delivery Date: _____						
Vendor #: 16441 Vendor Name: Watershed Conservation Resource Center	Job Point: _____ Fob Point: _____	P.O Number: _____ Expected Delivery Date: _____						
Address: 380 W. Rock St. City: Fayetteville State: AR	Zip Code: 72701 Ship to code: _____ Requester's Employee #: 3003	Mail Yes: _____ No: _____ Quotes Attached Yes: _____ No: _____						
Requester: Carole Jones, Park Planner II	Requester's Employee #: 3003	Division Head Approval: <i>[Signature]</i> Extension: 472						
Item Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1 Niokaska Stream Restoration Repair in Sweetbriar Park	1	Lot	\$15,041.00	\$15,041.00	4470.9470.5806.00	09025.0901		
2 Niokaska Stream Restoration Repair in Sweetbriar Park	1	Lot	\$5,180.00	\$5,180.00	2250.9256.5314.00	09025.0901		
3 Niokaska Stream Restoration Repair in Sweetbriar Park	1	Lot	\$4,980.00	\$4,980.00	4470.9470.5817.00	02097.1		
* Shipping/Handling		Lot						
Special Instructions: Tax is included in the contract price.								
						Subtotal:	\$25,201.00	
						Tax:		
						Total:	\$25,201.00	

Approvals:
 Mayor: _____ Department Director: _____
 Finance & Internal Services Director: _____ Budget Manager: _____
 Dispatch Manager: _____ Utilities Manager: _____
 Purchasing Manager: _____
 IT Manager: _____
 Other: _____