

City of Fayetteville Staff Review Form

2015-0050

Legistar File ID

2/17/2015

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

Chris Brown

1/27/2015

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of Task Order No. 02 in the amount of \$62,500 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 along with the associated budget adjustment.

Budget Impact:

4470.9470.5314.00 and 5400.5800.5314.00

4470-Sales Tax Capital Improvements and 5400 -
Water and Sewer

Account Number

Fund

02097.2015 and 13018.1001

Stormwater Quality Management (Stormwater
Quality Mgmt/Nutrient Reduct) and Wastewater
Treatment / Water Quality Improvements

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 1,754,248.00

Funds Obligated \$ 400,330.39

Current Balance **\$ 1,353,917.61**

Does item have a cost? Yes

Item Cost \$ 62,500.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 4,100.00

Remaining Budget **\$ 1,295,517.61**

V20140710

Previous Ordinance or Resolution # 126-13

Original Contract Number: _____

Approval Date: _____

Comments:

MEETING OF FEBRUARY 17, 2015

TO: Mayor and City Council

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

FROM: Alan Pugh, Staff Engineer

DATE: January 27, 2015

SUBJECT: Approval of Task Order No. 02 in the amount of \$62,500 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 along with the associated budget adjustment.

RECOMMENDATION:

Staff recommends approval of Task Order No. 02 in the amount of \$62,500 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 and the associated budget adjustment

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) expressing the City's desire to work jointly with the WCRC to identify, fund and completed stream restoration project and work together on nonpoint source (NPS) related issued associated with reducing nutrients and improving riparian and other natural areas. To that degree, the City and WCRC have completed several restoration projects though this partnership. These projects included, 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

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 2 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 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 a portion of the matching funds (\$44,400). Funding from this project also includes participation from the Parks and Recreation Department (\$4,100) as well as the Water and Sewer Department (\$14,000) as both of these Departments are directly impacted by the work included in the task order. Task Order #2 totals \$62,500 for one year of maintenance services.

Attachments:

Task Order No. 2

Ordinance 5354

Memorandum of Understanding

City of Fayetteville - Purchase Order Request (PO)

(Not a Purchase Order)

All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov.
Purchase shall not be made until an actual PO has been issued.

Requisition No.:	Date: 1/27/2015
P.O Number:	

Vendor #: 16441	Vendor Name: Watershed Conservation Resource Center (WCRC)	Mail <input type="checkbox"/> Yes <input type="checkbox"/> No	Legistar#: 2015-0050
Address:		Taxable <input type="checkbox"/> Yes <input type="checkbox"/> No	Expected Delivery Date:
City:	State:	Quotes Attached <input type="checkbox"/> Yes <input type="checkbox"/> No	
Requester: Alan Pugh		Requester's Employee #: 4073	Extension: 8208

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	Niokaska at Gulley	1	Lot	2,500.00	\$2,500.00	4470.9470.5314.00	02097.2015	Niokaska at Gulley	
2	Niokaska at Sweetbriar	1	Lot	5,000.00	\$5,000.00	4470.9470.5314.00	02097.2015	Niokaska at Sweetbriar	
3	White River Stabilization	1	Lot	14,000.00	\$14,000.00	5400.5800.5314.00	13018.1001	White River Stabilization	
4	West Fork at Airport	1	Lot	41,000.00	\$41,000.00	4470.9470.5314.00	02097.2015	West Fork at Airport	
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:	Subtotal: <u> \$62,500.00</u> Tax: <u> \$0.00</u> Total: <u> \$62,500.00</u>
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Approvals:

Mayor: _____	Department Director: _____	Purchasing Manager: _____
Chief Financial Officer: _____	Budget Director: _____	IT Director: _____
Dispatch Manager: _____	Utilities Manager: _____	Other: _____

TASK ORDER NO. 2

VEGETATION AND CHANNEL STABILITY ESTABLISHMENT
CITY OF FAYETTEVILLE STREAM AND RIVER RESTORATION
PROJECTS

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

This project consists of maintaining stream and river restoration projects whose original implementation was funded in-part with City funds. 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 adjustments need to be occasionally conducted within the stream or river channel restoration area to prevent cumulative degradation of the restoration project. The WCRC has constructed several stream and river restoration projects using City funds in combination with federal and state grant funding sources over the past 5 years. To insure the long-term success of these projects, the WCRC has continued to maintain and care for the projects after the expiration of the original grant, without financial support from any outside entities. This project will provide funding to the WCRC to conduct activities that help to establish healthy, native vegetation and channel stability of the restoration projects in order to protect the investments that the City has made to improve water quality, habitat, and recreational values of streams located within the City.

Section II - Project Timeframe

The project will be conducted from January 15, 2015 to January 14, 2016.

Section III - Scope of Services

The WCRC will perform services that are targeted to maintain and improve the long-term functionality of the restoration projects that have been implemented utilizing City Funding. These services include two major components: 1) Stream restoration activities that help to

create long-term stability and 2) Vegetation Management. Stream restoration activities include but will not be limited to 1) minor hand repairs of structural components of the restoration 2) removal of unintended gravel deposition within the project site 3) repair of soil mattresses and 4) re-setting of boulders that may become displaced. Vegetation maintenance and management activities include but are not limited to 1) irrigation of vegetation during summer months 2) removal of invasive vegetation and 3) planting additional native plants to enhance vegetation density. These funds are intended to cover costs associated with minor and routine maintenance of the sites. Repair of damages to the projects resulting from large and infrequent flood events is not covered under this agreement. Sources of funding to repair catastrophic damage will need to be identified if such damage is to occur.

Section IV - Fees and Payments

WCRC will perform the above-referenced Scope of Services amounts not to exceed \$62,500 for this one year 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: _____
Sondra Smith, City Clerk

Date: _____

FOR WATERSHED CONSERVATION RESOURCE CENTER

By: Sandi Formica
Sandi Formica

Attest: [Signature]

Date: 12-19-14

Stream Restoration Project	Project Construction Completion Date	Annual Budget for Maintenance & Small Repairs	Project Establishment Timeline	Duration of Capital Funding (years)	Long-term (Perpetual) Management Expense**	Recommended Reserved Funds for Major Storm	WCRC Match for long term management (pending)
Niokaska at Gulley	12/1/2008	\$2,500	11/2014 - 10/2016	2	\$2,500	\$10,000	2500
Niokaska at Sweetbriar	4/1/2011	\$5,000	11/2014 - 10/2018	3 to 4	\$3,000	\$35,000	3000
White River Stabilization	6/1/2012	\$14,000	11/2014 - 10/2018	3 to 4	\$4,000	\$50,000	
West Fork at Fayetteville Municipal Airport	5/15/2012	\$41,000	11/2014 - 10/2020	5 to 7	\$8,000	\$250,000	
		\$62,500			\$17,500	\$345,000	5500

Total annual fund

\$68,000

*Recommend these numbers be evaluated bi-annually

** Long-term management includes vegetation management expense to maintain native vegetation and remove invasive native vegetation after project establishment period has been completed and inspection of structures after major storm events.

***Would seek other funders to help cover expense of major repair

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:

ATTEST:

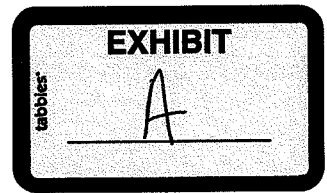
By:


LIONEL D. JORDAN, Mayor

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.

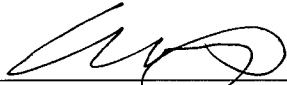
5. PRINCIPAL CONTACT. The principal contacts for this instrument are:

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

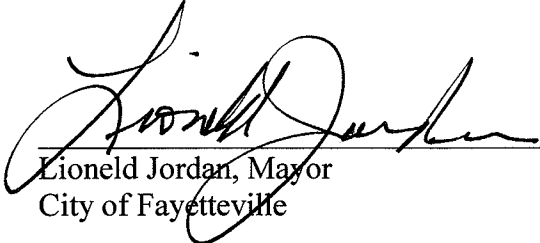
6. NONDISCRIMINATION. During the performance of this agreement, all parties will abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of age, race, color, religion, sex, national origin, or disability.

For S.E.


Sandi J. Formica, Executive Director
Watershed Conservation Resource Center

12/18/13

Date



Lioneld Jordan, Mayor
City of Fayetteville

1/9/14

Date

Sondra 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:

12-18-13 9:52 RCVD

dm



K. Wrede 12-19-13

Paul A. Behm 12-19-2013

Ann Miller 12-19-13

Travis Jordan 12/20/13

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