

City of Fayetteville Staff Review Form

2015-0277

Legistar File ID

7/7/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

6/8/2015

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of Task Order No. 03 with the Watershed Conservation Resource Center for the design and construction of a stream restoration project associated with an unnamed tributary of Cato Springs Branch near the southern boundary of the new Regional Park and investigation into the removal of an existing dam on the West Fork of the White River

Budget Impact:

4470.9470.5817.00

Sales Tax Capital/Bridge and Drainage

Account Number

Fund

02097.1

Stormwater Quality Management

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 496,886.00

Funds Obligated \$ 286,529.35

Current Balance \$ 210,356.65

Does item have a cost? Yes

Item Cost \$ 113,180.00

Budget Adjustment Attached? No

Budget Adjustment \$ -

#

Remaining Budget \$ 97,176.65

Previous Ordinance or Resolution # 5645

V20140710

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JULY 7, 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: June 8, 2015

SUBJECT: **Approval of Task Order No. 03 with the Watershed Conservation Resource Center for the design and construction of a stream restoration project associated with an unnamed tributary of Cato Springs Branch near the southern boundary of the new Regional Park and investigation into the removal of an existing dam on the West Fork of the White River.**

RECOMMENDATION:

Approval of Task Order No. 03 with the Watershed Conservation Resource Center for the design and construction of a stream restoration project associated with an unnamed tributary of Cato Springs Branch near the southern boundary of the new Regional Park and investigation into the removal of an existing dam on the West Fork of the White River.

BACKGROUND:

On January 7, 2014, City Council approved Resolution ordinance number 5645 to waive competitive bidding and approve 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 and water quality projects.

DISCUSSION:

In keeping with the City of Fayetteville's goal to identify and fund stream restoration and water quality projects, the proposed project was developed in cooperation with the Watershed Conservation Research Center, WCRC, to include restoration of an unnamed tributary to Cato Springs Branch near the southern boundary of the new regional park.

This project will include the restoration of approximately 2000 linear feet of stream to reduce streambank erosion, prevent land loss, improve aquatic habitat and enhance the aesthetics of the stream corridor that traverses the southern end of the park. In addition to this project, WCRC will conduct a feasibility analysis of removing the dilapidated dam located on the West Fork of the White River at Pump Station Road. This investigation will aid in determining what improvements such as reduced sediment and nutrient loads, reduced safety hazards, restored aquatic habitat along with increased recreational opportunities could be achieved through the removal of the dam.

This project is a collaborative effort including the City, Beaver Water District (BWD), Arkansas Natural Resources Commission (ANRC), Environmental Protection Agency (EPA), Beaver Watershed Alliance and the WCRC. The total cost of the project is \$526,360. ANRC has awarded a grant in the amount of \$300,000 federal dollars that is to be matched by the City and BWD. Both the city and BWD will contribute \$113,180 in the form of cash match toward the grant.

As previously stated, on January 7, 2014, the City Council approved agreement memorandum of understanding with the Watershed Conservation Resource Center (WCRC), and established a method for developing Task Orders to assist the City on projects such as this. To that end, Task Order No. 03 in the amount of \$113,180.00 has been developed.

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 matching funds.

Attachments:

Task Order NO. 03
SGA #14A600
Kessler Mountain Work Plan
Ordinance 5645 and Supporting Documentation

City of Fayetteville - Purchase Order Request (PO) <small>(Not a Purchase Order)</small> 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:	
							P.O Number:		
Vendor #: 16441	Vendor Name: Watershed Conservation Resource Center (WCRC)	Mail <input type="checkbox"/> Yes <input type="checkbox"/> No	Legistar#: 2015-0277						
Address: 380 W. Rock St		FOB Point:			Taxable <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
City: Fayetteville		State: AR		Zip Code: 72701	Ship to code:	Quotes Attached <input type="checkbox"/> Yes <input type="checkbox"/> No	Expected Delivery Date:		
				Requester's Employee #: 4073	Extension: 8208				
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	Regional Park Stream Restoration	1	Lot	113,180.00	\$113,180.00	4470.9470.5817.00	02097.1		
2					\$0.00				
3					\$0.00				
4					\$0.00				
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: Fayetteville has long worked with the Watershed Conservation Resource Center (WCRC) and funded quality stream restoration projects successfully completed by the Center and therfore entered into a Memorandum of Understanding (MOU) for certain projects on January 9, 2014. This project falls under this MOU and due to the unique nature of the services required as well as the history of quality projects with WCRC the council waived competative bidding.							Subtotal: \$113,180.00		
							Tax: \$0.00		
							Total: \$113,180.00		
Approvals:									
Mayor: _____			Department Director: _____			Purchasing Manager: _____			
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____			
Dispatch Manager: _____			Utilities Manager: _____			Other: _____			

TASK ORDER NO. 3

RESTORATION OF TRIBUTARY TO CATO SPRINGS AT THE FAYETTEVILLE KESSLER MOUNTAIN REGIONAL PARK

STATE OF ARKANSAS

COUNTY OF WASHINGTON

This Task Order is written pursuant to the Memorandum of Understanding (MOU) as described in Ordinance No. 5645 executed on January 7, 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 Federal Assistance Grant (I.D. C900F91901) "Improving the City of Fayetteville's Urban Streams by Reducing Sediment & Nutrient Loadings in the West Fork White River Watershed" awarded to the Watershed Conservation Resource Center on October 1, 2014.

Section I - Project Description

This project consists of two primary elements. First, the WCRC will develop and implement a stream restoration project that will complement the ongoing park development occurring at the Fayetteville Kessler Mountain Regional Park. Approximately 2,000 feet of stream will be restored to reduce streambank erosion, prevent land loss, improve aquatic habitat, and enhance the aesthetics of the stream corridor that traverses the southern end of the park. Second, the WCRC will conduct a feasibility analysis of removing the dilapidated dam located on the West Fork White River at Pump Station road. The purpose of the investigation will be to determine what opportunities exist to remove the dam in order to reduce sediment and nutrient loads, restore aquatic habitat and migratory fish passage, reduce safety hazards, increase recreational amenities, and improve aesthetics of the river corridor.

Section II - Project Timeframe

The project will be conducted over the period of the grant award which is October 1, 2014 to September 30, 2016.

Section III - Scope of Services

The WCRC will conduct activities as outlined in the attached workplan. Activities include but are not limited to: 1) Development of a Quality Assurance Project Plan 2) Conducting an inventory of streambank conditions along the un-named tributary to be restored within the Regional Park 3) Conduct a topographic survey of the stream 4) Development of a restoration plan 5) Application for permits 6) Implementation of the restoration design and 7) Public Outreach

Section IV - Fees and Payments

The project is a collaborative effort including the City, Beaver Water District (BWD), Arkansas Natural Resources Commission (ANRC), Environmental Protection Agency (EPA), Beaver Watershed Alliance and the WCRC. The total cost of the project is \$526,360. ANRC has awarded the WCRC a grant of \$300,000 federal dollars that is to be matched by the City and BWD. Both the City and BWD will contribute \$113,180 in the form of cash match towards the grant. This task order will commit the City to providing a total of \$113,180 as matching funds to support the grant with \$13,180 towards the development of the restoration design in 2015 and \$100,000 towards the implementation of the project in 2016.

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

Attest: _____


Date: June 5, 2015

SUB-GRANT AGREEMENT SGA #14A600
between
ARKANSAS NATURAL RESOURCES COMMISSION
and the
WATERSHED CONSERVATION RESOURCE CENTER

Restoration at Cato Springs at the Fayetteville Mount Kessler Regional Park
GRANT # C900F91901
PROJECT: 14-600

SECTION 1. - PURPOSE

The purpose of this Sub-Grant Agreement is to establish the responsibilities of the Arkansas Natural Resources Commission (Commission) and Watershed Conservation Resource Center (WCRC) necessary to complete a cooperative nonpoint source pollution prevention project.

The goal of the project is to reduce sediment and phosphorus loadings to and enhance the ecology of the West Fork White River (WFWR) watershed within the city limits of Fayetteville. The project objective is to implement a 2,000 ft stream restoration on an unstable tributary to Cato Springs at the Fayetteville Mount Kessler Regional Park.

SECTION 2. - GENERAL

The Commission is the recipient of a grant from the US Environmental Protection Agency (EPA) to be used for implementation of the project. A requirement of the grant is that state and local funds also be secured. The following is a summation of funding requirements:

SUMMARY OF FUNDS

Funds provided to the Watershed Conservation Resource Center	
EPA (997) –	\$300,000
ANRC (2RG-04)	\$0
TOTAL FUNDS	\$300,000
Funds provided by the Watershed Conservation Resource Center (Cash or In-Kind)	
TOTAL MATCH	\$226,360
TOTAL PROJECT COST	\$526,360

SECTION 3. – WATERSHED CONSERVATION RESOURCE CENTER RESPONSIBILITIES

1. Provide personnel, supplies, and other resources necessary for completion of the project as outlined in the attached scope of work.
2. Abide by all conditions of US EPA Assistance Agreement. The Administrative Conditions of the grant are attached and incorporated by reference.
3. Complete all milestones, tasks, and outputs as outlined in the project workplan in a timely manner.
4. Provide Quarterly Reports to the Commission within 15 days of the end of September, December, March, and June; including Progress Reports, Supporting Documentation, MBE/WBE Expenditures, and other matters required by the Commission.
5. Participate in an annual project evaluation as requested and provide a report to the Commission on significant accomplishments and other information as required by the Commission resulting from this project. An Annual Evaluation Report will be submitted to the Commission by October 1st of each year.
6. Maintain financial records acceptable to the Commission. Submit to the Commission an annual audit of funds that have been provided under this agreement.
7. Request payment for services provided in accordance with the attached schedule of payments. Requests will be made no more than quarterly and will be accompanied by the required project progress report.
8. Provide funds to the project as scheduled in the summary of funds and in the project work-plan.

SECTION 4. - COMMISSION RESPONSIBILITIES

1. Administer the grant in accordance with US EPA regulations.
2. Make semi-annual reports to Region 6 of the US EPA on progress of the project.
3. Include activities of the project in its annual report on nonpoint source management to US EPA.
4. Provide payment in a timely and efficient manner for work performed in accordance with the attached schedule of payments.
5. Provide personnel, supplies and resources for completion of the project as outlined in the attached scope of work.
6. Abide by conditions of US EPA Assistance Agreement.

7. Make periodic inspections of the work to determine if it meets the requirements of the EPA Assistance Agreement.
8. The project will be assessed at the end of the first year by the Nonpoint Source (NPS) Staff. The NPS Staff will determine if the project is on schedule and all milestones, tasks, and outputs as outlined in the project workplan have been accomplished in a timely manner. Funding for the following year(s) of this project will be contingent upon satisfactory completion of tasks, by the completion date(s) as outlined in the schedule of tasks and outputs.

SECTION 5. - IT IS FURTHER AGREED

1. Employees of all parties will cooperate fully with each other in such a manner as to maintain and enhance the image of all parties and any other agencies assisting the project.
2. Any advertisements or information released regarding the project must reference the contributions of the Commission and EPA.
3. Any and all equipment purchased by US EPA Assistance Agreement or Commission funds will be properly identified reflecting who provided funding for the equipment.
4. Any and all equipment and supplies purchased by US EPA Assistance Agreement or Commission funds will be surrendered to the Commission if the terms of this agreement are not met.
Equipment purchased by US EPA Assistance Agreement or Commission funds requires the Commissions' approval prior to disposition.
5. The Sub-grantee will be required to participate in the Commissions' annual project review meeting and any other meetings and/or conferences the Commission deems necessary.
6. The Commission may terminate this agreement with a 30-day written notice at any time if it is determined by the Commission's Executive Director that the work is not within the terms and condition of this agreement including the project workplan and other grant requirements, or if the EPA determines that the work is not within the grant requirements.
7. This Sub-Grant Agreement will expire October 31, 2016.
8. The project duration will be 2 years, beginning- October 1, 2014 – September 30, 2016.
9. Final Report and Invoice are due no later than October 15, 2016.

Acceptance of this agreement is evidenced by signature below.

WATERSHED CONSERVATION RESOURCE CENTER

By: Sandi Formica
Sandi Formica, Executive Director

Date: Sept 19, 2014

ARKANSAS NATURAL RESOURCES COMMISSION

By: J.R. Randy Young
J.R. Randy Young, Executive Director

Date: 9-24-14

Scope of Work

14-600

Improving the City of Fayetteville's Urban Streams by Reducing Sediment & Nutrient Loadings in the West Fork White River Watershed

Task 1, Financial Review

Objectives: A financial review of all financial records following agreed upon procedures.

Subtask 1.1 Financial review for project period

Deliverables:

1. Report of Financial review

Task 2: Develop QAPP

Objectives: Develop a QAPP document to insure that all data collection activities are performed in accordance with documented and approved techniques.

Subtask 2.1 Develop QAPP for submittal to ANRC

Subtask 2.2 Edit QAPP per ANRC comments

Subtask 2.3 Submit final QAPP for approval

Deliverables:

1. Draft QAPP
2. QAPP approved by ANRC and EPA

Task 3: Pre Implementation Monitoring

Objective: To estimate the pre-restoration sediment and phosphorus load from the site and to quantify the improvements resulting from implementation of the restoration plan.

Subtask 3.1 Conduct BEHI analysis prior to restoration at restoration site

Subtask 3.2 Collect and analyze riverbank materials for sediment and phosphorus

Deliverables:

1. Results of erosion potential inventory and predicted erosion rates prior to restoration

Task 4: Tributary to Cato Springs Reach Restoration and Implementation

Objective: Design and implement a river restoration in an urban environment using natural channel design principles to improve water quality and wildlife habitat

Subtask 4.1 Perform survey of site selected for restoration

Subtask 4.2 Survey reference reach

Subtask 4.3 Develop restoration design

Subtask 4.4 Meetings with City to present design and discuss logistics

Subtask 4.5 Apply for permits and develop competitive bid package for materials, contractor, or any item over \$5000

Subtask 4.6 Implement restoration design and provide construction oversight

Subtask 4.7 Complete site re-vegetation and finishing activities

Subtask 4.8 Initiate inspection and maintenance required for a minimum of 5 years

Deliverables:

1. A summary of reference reach data that will be used for restoration design
2. A summary of the site geomorphology
3. A copy of the restoration design plan
4. 404 permit application
5. Photographs of construction activities and completed work
6. Photographs of the re-vegetated site
7. Summary of inspection and maintenance activities

Task 5: Post Implementation Monitoring

Objective: Document implemented river restoration design

Subtask 5.1 Conduct an as-built survey following construction

Deliverables:

1. As-built survey

Task 6: Conceptual Design of WFWR River Restoration and Dam Removal

Objective: To evaluate the feasibility of addressing the dam and restoring the sections of the WFWR and Town Branch immediately downstream of the dam using natural channel design principles would be conducted.

Subtask 6.1 Collect Survey Data

Subtask 6.2 Collect Erosion Data & Estimate Potential Load Reductions

Subtask 6.3 Sample and Analyze Sediments in Dam Backwater Area

Subtask 6.4 Meet with the City and Affected Landowners

Subtask 6.5 Develop Conceptual Design Alternatives and Estimate Costs

Deliverables:

- 1) Summary of survey data
- 2) Summary report of feasibility analysis

Task 7: Conduct Outreach

Objective: The objective of the public outreach task will be to promote awareness of riverbank restoration techniques using the natural channel design approach.

Subtask 7.1 Develop and distribute information fact sheet

Subtask 7.2 Conduct two site tours

Subtask 7.3 Develop and present technical presentation

Subtask 7.4 Design and install interpretive signs

Subtask 7.5 Volunteer coordination for trash removal, recycling, planting, invasive removal

Deliverables:

- 1) Informational fact sheet
- 2) List participants who attend site tours
- 3) List of volunteer participants

Task 8: Reporting

Objective: Provide ANRC information regarding the progress of this project on a quarterly and annual basis and provide a Final Report detailing the project.

Subtask 8.1 Quarterly Reports that include implementation documentation

Subtask 8.2 Annual Reporting and meetings

Subtask 8.3 Final Report

Deliverables:

1. Quarterly Reports with implementation documentation
2. Annual Reports submitted by October 1 each year of the project
3. Presentation and a copy of presentation/documentation of project activities provided at annual review meetings
4. Final report summarizing project activities and presenting NPS reduction results

Overall Schedule of Tasks and Outputs:

Task	Subtask Number	Description	Start Date	Completion Date
1	1.1	Review financial records	9/30/2015	9/30/201
2	2.1	Develop QAPP for submittal to ANRC	10/1/2014	11/1/2014
	2.2	Edit QAPP per ANRC comments	12/1/2014	1/1/2015
	2.3	Submit final QAPP for approval	1/15/2015	2/15/2015
3	3.1	Conduct BEHI pre restoration and estimate loads	3/1/2015	5/1/2015
	3.2	Collect samples of streambank materials	3/1/2015	5/1/2015
4	4.1	Perform survey of site selected for restoration	3/1/2015	6/1/2015
	4.2	Survey reference reach	3/1/2015	6/1/2015
	4.3	Develop restoration design	7/1/2015	10/1/2015
	4.4	Meetings with City	10/1/2014	9/30/2016
	4.5	Apply for permits & develop competitive bid package	10/1/2015	5/31/2016
	4.6	Implement restoration design	6/1/2016	7/31/2016
5	5.1	As-Built Survey	9/1/2016	9/15/2016
6	6.1	Collect Survey Data	9/1/2015	10/30/2015
	6.2	Collect Erosion Data (Toe Pin)(BEHI) and Estimate Potential Load Reductions	9/1/2015	10/30/2015
	6.3	Sample- Analyze Sediment in Dam Backwater Area	9/1/2015	10/30/2015
	6.4	Meet with the City and Affected Landowners	10/1/2015	9/30/2016
	6.5	Collect Survey Data	9/1/2015	10/30/2015
7	7.1	Develop and distribute information fact sheets	10/1/2015	9/30/2016
	7.2	Stream Tours	10/1/2015	9/30/2016
	7.3	Develop and present technical presentation	10/1/2015	9/30/2016
	7.4	Design and install interpretive signs	6/1/2016	9/30/2016
	7.5	Volunteer Coordination (Trash Clean-Ups, Invasive Species Management, Planting Days)	10/1/2014	9/30/2016
8	8.1	Quarterly Reporting	10/1/2014	9/30/2016
	8.2	Annual Reporting and Meetings	10/1/2014	9/30/2016
	8.3	Final Report	8/31/2016	9/30/2016

Nonpoint Source Summary Page
Project 14-0600 FY 14 CWA Section 319(h)

- 1. Title of Project:** Improving the City of Fayetteville's Urban Streams by Reducing Sediment & Nutrient Loadings in the West Fork White River Watershed
- 2. Project Goals/Objectives:** The goal of the project is to reduce sediment and phosphorus loadings to and enhance the ecology of the West Fork White River (WFWR) watershed within the city limits of Fayetteville. The project objectives are to:
 - Implement a 2,000 ft stream restoration on an unstable tributary to Cato Springs at the City's Mount Kessler Regional Park.
 - Initiate the implementation of restoration on the WFWR main channel within the city limits by evaluating the old water intake dam and river restoration required
 - Increase awareness and promote the use of natural channel design in urban environments among landowners and the public
- 3. Project Tasks:** 1) Financial Audit; 2) Develop QAPP; 3) Pre Implementation Monitoring; 4) Unnamed Tributary Restoration & Implementation; 5) Post Implementation Monitoring; 6) WFWR Restoration Conceptual Design & Dam Removal; 7) Conduct Outreach; 8) Reporting
- 4. Measures of Success:** This project will be considered successful if there is an 80% reduction of sediment from the selected restoration site.
- 5. Project Type:** Statewide () Watershed (X) Demonstration (X)
- 6. Waterbody Type:** River (X) Groundwater () Other ()
- 7. Project Location:** White River (11010001)
- 8. NPS Management Program Reference:** The proposed project addresses key elements of the state NPS program: Element #3 Strong working partnerships with appropriate state, Tribal, regional, and local entities, private sector groups, citizens groups, and Federal agencies.) and Element #4 (a) abates water quality impairments from existing sources and (b) prevents significant threats to water quality from present and future activities.
- 9. NPS Assessment Report Status:** Impaired (X) Impacted () Threatened ()
- 10. Key Project Activities:** Hire Staff () Monitoring () Technical Assistance () Education () BMP Implementation (X) Demonstration Project (X) Other () Planning ()
- 11. NPS Management Program Elements:** Section 7-Sediment; Objectives 7.6, 7.10, 7.13
- 12. Project Costs:** Federal (\$300,000) State/Local (\$226,360) Total (\$526,360)
- 13. Project Management:** Watershed Conservation Resource Center will be responsible for grant administration and coordinating all activities related to the project.
- 14. Project Period:** September 2014 – October 2016

Project 14-0600

Improving the City of Fayetteville's Urban Streams by Reducing Sediment & Nutrient Loadings in the West Fork White River Watershed FY 2013, CWA Section 319(h)

Introduction

The West Fork White River (WFWR) is one of seven major tributaries to the White River, which forms Beaver Lake, the primary drinking water source for over 450,000 people in Northwest Arkansas. The WFWR is the largest contributor of sediment and phosphorus loadings to Beaver Lake and has been on the State's Department of Environmental Quality's 303 (d) list of impaired streams since 1998 for not supporting its 'aquatic life' use because of excessive silt loads and turbidity levels (Figure 1).¹

Because of its importance to Northwest Arkansas as a natural area and major tributary to the sole drinking water source, extensive watershed assessment and

planning has been conducted. One common thread that runs through the results of watershed assessment and planning is that streambank erosion is a major contributor of sediment (66%) and nutrients to the WFWR, and implementation of river and streambank restoration will reduce sediment and nutrients, while restoring both aquatic and terrestrial habitat.² The Watershed Conservation Resource Center (WCRC) has worked with several local partners and implemented stream restoration projects to reduce sediment and nutrient loads to the WFWR.

Stakeholder-based planning in the Beaver Lake watershed has resulted in an approved watershed management plan that meets the Environmental Protection Agency's (EPA) nine element plan criteria. Based on the Beaver Lake Protection Strategy (BLPS),³ the WFWR is a priority watershed for sediment and phosphorus reduction. One of the objectives of the BLPS is to prevent or offset a projected 14 % increase in phosphorus load and a 21 % increase in sediment load to Beaver Lake resulting from anticipated real estate development in the watershed over the next 50 years. Streambank restoration is one of the five key components of the strategy that can help to offset increased future loading. The recent implementation of the river restoration at the Fayetteville Municipal Airport (Figure 2) made significant contributions to

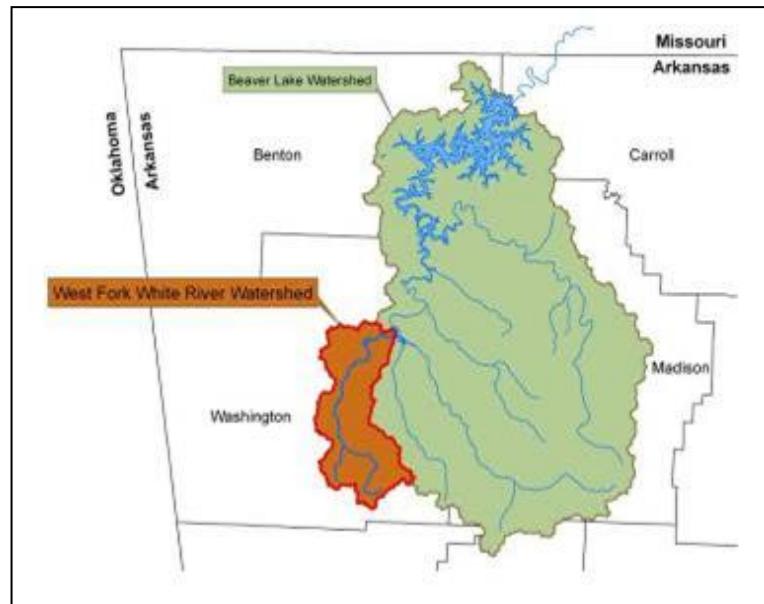


Figure 1 The West Fork White River located in Washington County, AR is listed as impaired due to siltation

¹ Arkansas Department of Environmental Quality (ADEQ), Draft Water Quality Inventory Report, Prepared Pursuant to Section 305(b) of the Federal Water Pollution Control Act, 1998, 2008

² Formica, S.J., M.A. Van Eps, M.A. Nelson, A.S. Cotter, T.L. Morris, J.M. Beck, 2004, West Fork White River Watershed - Sediment Source Inventory and Evaluation. Proceedings from ASAE Conference "Self-Sustaining Solutions for Streams, Wetlands, and Watersheds," 2004, St. Paul, MN.

³ Beaver Lake Watershed Protection Strategy, Prepared for the Northwest Arkansas Council, Tetra Tech, Research Triangle Park, NC, 2009

meeting the goals in the BLPS, reducing annual sediment and phosphorus loads by approximately 8.1% and 7.6%, respectively. Further stream restoration actions will help meet the BLPS goals and work towards the removal of the WFWR from the state's 303 (d) listed streams.

Forty percent of the City of Fayetteville (City) lies within the WFWR watershed including the downstream section of the main stem and several tributaries including Town Branch. The City has proven that they are committed to improving the local water quality and reducing the City's impacts to streams and rivers through the implementation of several proactive measures described as follows:

- 1) The City has partnered with the WCRC and other entities to implement three urban stream restorations. One located on Mullins Creek, a tributary to Town Branch that runs through the University of Arkansas's campus. The stream restoration not only reduces sediment and phosphorus in the WFWR watershed, but it serves as a hands-on education tool for both University students and Fayetteville High School, which is located around the block from the project.
- 2) The City developed a stakeholder-based nutrient reduction plan to reduce phosphorus and sediment loadings within the Beaver Lake watershed that recommended restoration of 4,600 ft. of the WFWR at the Fayetteville Municipal Airport. Based on the Conservation Partnerships Initiative WFWR Watershed



Figure 2 WFWR restoration at Fayetteville Municipal Airport

Restoration of Priority Stream Reaches Project Plan⁴, this reach was the 2nd highest priority out of 29 identified reaches in need of restoration within the watershed. The City invested over \$300,000 and partnered with the WCRC, Beaver Water District (BWD), and others to implement the river restoration, through an EPA 319 Grant administered by the Arkansas Natural Resource Commission, reducing sediment and phosphorus loads by over 4,000 tons/yr and 1,800 lbs/yr, respectively (Figure 2).

- 3) The City has also created and implemented a progressive streamside protection ordinance, the first and only one in the State of Arkansas. The City's Streamside Protection Ordinance requires new development to designate a 50 foot riparian buffer on designated streams, where building, paving, grading and similar activities are prohibited. Enhancement of the riparian buffer with native plants and removal of invasive species is encouraged. If a developer obtains a variance due to a hardship, mitigation is required, which is often enhancement of the riparian zone.

The City is committed to improving the water quality of the West Fork White River and its tributaries through the implementation of both urban and rural stream restorations to reduce

⁴ Formica S.J. and Van Eps, M.A., Restoration of Priority Stream Reaches Project Plan, USDA NRCS Conservation Partnership Initiative, 2010

sediment and nutrient loads to the WFWR watershed and enhance the local ecology. Stream restoration projects become part of a green infrastructure network within and near the City and serve as a bridge between urban living and the natural environment, effortlessly promoting healthy streams and watersheds to the public through their native vegetation, diverse wildlife, and natural beauty.

Project Overview

The WCRC in partnership with the City, BWD, and Beaver Watershed Alliance proposes the following to reduce sediment and phosphorus loadings to the WFWR watershed:

- Implement a 2,000 ft stream restoration on an unstable tributary to Cato Springs at the City's Mount Kessler Park.
- Initiate the implementation of restoration on the main channel within the city limits on the WFWR by evaluating the old water intake dam and required river restoration

Stream Restoration Implementation: The City is developing a 200 acre multi-use Regional Park at recently purchased property on Mt. Kessler located on the southwest side of town off of Cato Springs Road. Preservation and park development of the site was recommended by a locally developed Green Infrastructure Plan. The park will provide outdoor recreational facilities for citizens within the city limits of Fayetteville and surrounding region that include a great lawn, soccer, softball & baseball fields, tennis, water features, playgrounds, pavilions, nature trails and associated amenities. Two streams flow through the park site and are valuable natural features that will be incorporated into the park design. Historic land use change from forest to agriculture has resulted in stream instability. A 2,000 ft. section of an unnamed tributary that flows to Cato Springs Creek, a major tributary to the WFWR, needs to be restored. Close to 1,000 feet of streambanks along this stretch are unstable and the riparian area is overwhelmed with invasive plants (Figure 3). Historically, tires, agricultural metals, appliances and more have been dumped along eroding banks in an attempt to stabilize the streambanks. These objects would be removed and recycled as much as possible. A stream restoration design based on natural channel design



Figure 3 Erosion on Unnamed Tributary to Cato Springs

principle would be developed and implemented. Reference reach data from stable sections within the project site as well as existing data from a nearby stream will be used to develop the site plan. The design implementation will include constructing rock structures that deflect flow away from banks and creating defined riffles and pools. Based on the tight bends observed on the channel, it is possible that the channel pattern be modified and some new channel may need to be excavated. Soil mattresses will be built to minimize floodplain erosion during vegetation establishment. The stream corridor will be re-vegetated with native grasses, shrubs, and trees to enhance the native vegetation, reduce soil erosion, and act as a buffer to improve the removal of pollutants from runoff.

The unnamed tributary runs through the heart of the Kessler Mountain Park and most park users will come in contact with the restoration making it a great opportunity for raising

awareness concerning the importance of water quality and urban streams. Signage will be developed and installed for the visitors who want to learn more. Also, stabilization of the eroding streambanks will reduce sediment and total phosphorus loads to the WFWR watershed annually by approximately 130 tons and 30 lbs, respectively. The nitrogen load reduction will be estimated, once streambank samples are collected and analyzed.

Initiation of River Restoration in Conjunction with Dam Removal: Approximately, 10 miles of the WFWR flows through the unincorporated planning area and city limits of Fayetteville's south side. Approximately five of those miles are within the city limits and include a section that flows through the City's industrial area and Softball Park. The WFWR drains approximately 100 mi² at this location and is a large river. An old dam, used for as a water supply in the 1940's, is located on the river. The dam creates several issues:

- 1) Cuts off the lower end of the river and the White River from the upstream section of the WFWR preventing fish migration.
- 2) Stops sediment transport, resulting in a clear water discharge at the dam site, which accelerates streambank erosion downstream.
- 3) Creates a back water pool that extends upstream for over one mile. The pool smothers the natural river features, such as riffles, runs, and glides that are necessary for different stages of aquatic life. The lack of riffles reduces the aeration of the water, impacting both water quality and aquatic life.

Downstream of the dam, there are two priority reaches with accelerated streambank erosion that would need to be restored in conjunction with the dam removal. Also, the confluence of Town Branch with the WFWR is downstream of the Dam. This section of Town Branch has severe streambank erosion and needs to be restored. A feasibility study of addressing the dam and restoring the sections of the WFWR and Town Branch immediately downstream of the dam using natural channel design principles would be conducted. Different scenarios would be developed including removing the dam or designing a bypass channel around the dam, creating a public access point and wetland features. Restoration of this site would result in over 5,000 ft. of large river restoration and 1,000 ft. of Town Branch being restored. The study would be used to generate support for restoration from the City Council and the general public and to secure funding for this major implementation project.

This project will meet multiple local and regional objectives relating to stream channel instability, water quality, and ecological services. The objectives of the project include:

- 1) Restore rivers and streambanks on the WFWR and tributaries to improve water quality by:
 - a. Reducing sediment and phosphorus loadings within the watershed
 - b. Implementing activities that work towards the removal from the state's 303 (d) list
 - c. Restoring riparian areas to improve filtration of stormwater runoff
 - d. Enhancing aquatic habitat and terrestrial habitat
- 2) Reduce stream channel enlargement
- 3) Improve riffle-pool bed features that help to increase water retention and aeration within the system, which results in better assimilation of nutrients into the environment
- 4) Improve aesthetics of the stream
- 5) Implement successful projects that create positive interface between urban and rural areas
- 6) Promote concepts of Green Infrastructure such as stream restoration using natural channel design techniques through presentations, interpretive signage, and conducting field tours

Schedules, Tasks, Objectives, Subtasks, Deliverables, and Estimated Costs

The project will begin 10/1/2014 and end 9/30/2016. A summary of the project tasks, subtasks, and associated schedules are shown below:

Task	Start Date	End Date
Task 1: Financial Records Review		
Review financial records	9/30/2015	9/30/2016
Task 2: Develop QAPP		
Subtask 2.1 Develop QAPP for submittal to ANRC	10/1/2014	11/1/2014
Subtask 2.2 Edit QAPP per ANRC comments	12/1/2014	1/1/2015
Subtask 2.3 Submit final QAPP for approval	1/15/2015	2/15/2015
Task 3: Pre Implementation Monitoring		
Subtask 3.1 Conduct BEHI pre restoration and estimate loads	3/1/2015	5/1/2015
Subtask 3.2 Collect samples of streambank materials	3/1/2015	5/1/2015
Task 4: Reach Restoration and Implementation		
Subtask 4.1 Perform survey of site selected for restoration	3/1/2015	6/1/2015
Subtask 4.2 Survey reference reach	3/1/2015	6/1/2015
Subtask 4.3 Develop restoration design	7/1/2015	10/1/2015
Subtask 4.4 Meetings with City	10/1/2014	9/30/2016
Subtask 4.5 Apply for permits & develop competitive bid package	10/1/2015	5/31/2016
Subtask 4.6 Implement restoration design	6/1/2016	7/31/2016
Task 5: Post Implementation Monitoring		
Subtask 5.1 As-Built Survey	9/1/2016	9/15/2016
Task 6: Conceptual Design of River Restoration and Dam Removal		
Subtask 6.1 Collect Survey Data	9/1/2015	10/30/2015
Subtask 6.2 Collect Erosion Data (Toe Pin)(BEHI) and Estimate Potential Load Reductions	9/1/2015	10/30/2015
Subtask 6.3 Sample- Analyze Sediment in Dam Backwater Area	9/1/2015	10/30/2015
Subtask 6.4 Meet with the City and Affected Landowners	10/1/2015	9/30/2016
Subtask 6.5 Develop Design Alternatives & Estimate Costs	11/1/2015	5/31/2016
Task 7: Outreach		
Subtask 7.1 Develop and distribute information fact sheets	10/1/2015	9/30/2016
Subtask 7.2 Stream Tours	10/1/2015	9/30/2016
Subtask 7.3 Develop and present technical presentation	10/1/2015	9/30/2016
Subtask 7.4 Design and install interpretive signs	6/1/2016	9/30/2016
Subtask 7.5 Volunteer Coordination (Trash Clean-Ups, Invasive Species Management, Planting Days)	10/1/2014	9/30/2016
Task 8: Reporting		
Subtask 8.1 Quarterly Reporting	10/1/2014	9/30/2016
Subtask 8.2 Annual Reporting and Meetings	10/1/2014	9/30/2016
Subtask 8.3 Final Report	8/31/2016	9/30/2016

The objectives, estimated costs, and deliverables for each task are summarized as follows:

Task 1, Financial Review

Costs		
Federal	Non-Federal Match	Total
\$1,500	\$0	\$1,500

Objectives: A financial review of all financial records following agreed upon procedures.

Subtask 1.1 Financial review for project period

Deliverables:

1. Report of Financial review

Task 2: Develop QAPP

Costs		
Federal	Non-Federal Match	Total
\$9,000	\$0	\$9,000

Objectives: Develop a QAPP document to insure that all data collection activities are performed in accordance with documented and approved techniques.

Subtask 2.1 Develop QAPP for submittal to ANRC

Subtask 2.2 Edit QAPP per ANRC comments

Subtask 2.3 Submit final QAPP for approval

Deliverables:

1. Draft QAPP
2. QAPP approved by ANRC and EPA

Task 3: Pre Implementation Monitoring

Costs		
Federal	Non-Federal Match	Total
\$12,000	\$10,000	\$22,000

Objective: To estimate the pre-restoration sediment and phosphorus load from the site and to quantify the improvements resulting from implementation of the restoration plan.

Subtask 3.1 Conduct BEHI analysis prior to restoration at restoration site

Subtask 3.2 Collect and analyze riverbank materials for sediment and phosphorus

Deliverables:

1. Results of erosion potential inventory and predicted erosion rates prior to restoration

Task 4: Tributary to Cato Springs Reach Restoration and Implementation

Costs

Federal	Non-Federal Match	Total
\$222,000	\$125,000	\$347,000

Objective: Design and implement a river restoration in an urban environment using natural channel design principles to improve water quality and wildlife habitat

Subtask 4.1 Perform survey of site selected for restoration

Subtask 4.2 Survey reference reach

Subtask 4.3 Develop restoration design

Subtask 4.4 Meetings with City to present design and discuss logistics

Subtask 4.5 Apply for permits and develop competitive bid package for materials, contractor, or any item over \$5000

Subtask 4.6 Implement restoration design and provide construction oversight

Subtask 4.7 Complete site re-vegetation and finishing activities

Subtask 4.8 Initiate inspection and maintenance required for a minimum of 5 years

Deliverables:

1. A summary of reference reach data that will be used for restoration design
2. A summary of the site geomorphology
3. A copy of the restoration design plan
4. 404 permit application
5. Photographs of construction activities and completed work
6. Photographs of the re-vegetated site
7. Summary of inspection and maintenance activities

Task 5: Post Implementation Monitoring

Federal	Non-Federal Match	Costs	Total
\$2,000	\$2,000		\$4,000

Objective: Document implemented river restoration design

Subtask 5.1 Conduct an as-built survey following construction

Deliverables:

1. As-built survey

Task 6: Conceptual Design of WFWR River Restoration and Dam Removal

Costs

Federal	Non-Federal Match	Total
\$32,500	\$59,360	\$91,860

Objective: To evaluate the feasibility of addressing the dam and restoring the sections of the WFWR and Town Branch immediately downstream of the dam using natural channel design principles would be conducted.

Subtask 6.1 Collect Survey Data

Subtask 6.2 Collect Erosion Data & Estimate Potential Load Reductions

Subtask 6.3 Sample and Analyze Sediments in Dam Backwater Area

Subtask 6.4 Meet with the City and Affected Landowners

Subtask 6.5 Develop Conceptual Design Alternatives and Estimate Costs

Deliverables:

- 1) Summary of survey data
- 2) Summary report of feasibility analysis

Task 7: Conduct Outreach

Federal	Non-Federal Match	Costs Total
\$0	\$30,000	\$30,000

Objective: The objective of the public outreach task will be to promote awareness of riverbank restoration techniques using the natural channel design approach.

Subtask 7.1 Develop and distribute information fact sheet

Subtask 7.2 Conduct two site tours

Subtask 7.3 Develop and present technical presentation

Subtask 7.4 Design and install interpretive signs

Subtask 7.5 Volunteer coordination for trash removal, recycling, planting, invasive removal

Deliverables:

- 1) Informational fact sheet
- 2) List participants who attend site tours
- 3) List of volunteer participants

Task 8: Reporting

Federal	Non-Federal Match	Costs Total
\$21,000	\$0	\$21,000

Objective: Provide ANRC information regarding the progress of this project on a quarterly and annual basis and provide a Final Report detailing the project.

Subtask 8.1 Quarterly Reports that include implementation documentation

Subtask 8.2 Annual Reporting and meetings

Subtask 8.3 Final Report

Deliverables:

1. Quarterly Reports with implementation documentation
2. Annual Reports submitted by October 1 each year of the project
3. Presentation and a copy of presentation/documentation of project activities provided at annual review meetings
4. Final report summarizing project activities and presenting NPS reduction results

Coordination, Roles Responsibilities, and Public Participation:

The Watershed Conservation Resource Center will be responsible for coordinating all activities associated with the project. WCRC staff persons Sandi Formica and Matt Van Eps will be co-principle investigators. Part-time staff and/or possible full-time employees will assist in the collection of field data, data analyses, and site preparation. The WCRC is responsible for project oversight, data collection, design, site preparation, restoration implementation, public outreach, and reporting. The City of Fayetteville has committed to participating in this project and will be providing cash matching contributions. The City's funding is currently projected and City Council approval will be sought if the project is selected. Beaver Water District is committed to participating in this project and will provide both cash and in-kind matching funds. Board approval of the funds is needed and will be sought if this project is selected. The BWD will provide staff that will help with data collection and implementation of the restoration design. The Beaver Watershed Alliance will provide assistance with the public outreach, coordination of volunteers for: invasive removal, planting native vegetation, trash removal and recycling of waste materials previously dumped on site, and development of signage. Public participation will be encouraged through outreach activities that will provide education opportunities related to river restoration.

Measures of Success and Performance

Success of the project will be documented by monitoring bank erosion potential and stream channel condition prior to and following the implementation of restoration activities. This project will be successful if an 80% reduction in sediment loads resulting from streambank erosion is observed.

Reference to Project in the NPS Management Program

The proposed project addresses key elements of the state NPS program: Element #3 Strong working partnerships with appropriate state, Tribal, regional, and local entities, private sector groups, citizens groups, and Federal agencies.) and Element #4 (a) abates water quality impairments from existing sources and (b) prevents significant threats to water quality from present and future activities.

Public Participation

Public participation will be encouraged through outreach activities that will provide education opportunities related to restoration of large rivers.

Project Lead

The Watershed Conservation Resource Center is the lead on this project. The contact for this project is:

Sandi J. Formica, Executive Director
Watershed Conservation Resource Center
380 W. Rock Street
Fayetteville, AR 72701
Phone: (501) 352-5252; Fax: (928) 396-2546
formica@watershedconservation.org

List of Attachments

Attachment 1	Estimated Project Budget
Attachment 2	Estimated Budget – City of Fayetteville
Attachment 3	Estimated Budget – Beaver Water District

Attachment 1 – Project Budget

Personnel					
	Salary	m/yrs	Cost	Federal	Non Federal
Project Engineer	\$88,171	0.1703	\$15,016	\$15,016	\$0
Field Technician	\$24,960	0.7502	\$18,725	\$18,725	\$0
Total, Personnel			\$33,741	\$33,741	\$0
Fringe Benefits 39.7%			\$13,395	\$13,395	\$0
Total Personnel including Fringe			\$47,136	\$47,136	\$0
Travel					
In State			\$2,000	\$2,000	\$0
Out of State			\$0	\$0	\$0
Total Travel			\$2,000	\$2,000	\$0
Supplies					
Misc. Supplies (wading gear, stakes, flagging, batteries)			\$3,506	\$3,506	\$0
Laptop Computer			\$2,000	\$2,000	\$0
GPS-construction grading, staking, layout & pre implementation data collection			\$7,000	\$7,000	\$0
Total Supplies			\$12,506	\$12,506	\$0
Contractual					
Financial Records Review			\$1,500	\$1,500	
Total Contractual			\$1,500	\$1,500	
Construction					
Construction Contractor			\$125,000	\$125,000	\$0
Materials - boulders, plants, seed erosion control, supplies, tools			\$90,000	\$90,000	\$0
Total Construction			\$215,000	\$215,000	\$0
Other					
BWD-restoration & feasibility study			\$113,180	\$0	\$113,180
City-restoration & feasibility study			\$113,180	\$0	\$113,180
Soil Sample Analysis			\$6,000	\$6,000	\$0
Total Other			\$232,360	\$6,000	\$226,360
Total Direct Charges			\$510,502	\$284,142	\$226,360
Indirect (47% of salary)			\$15,858	\$15,858	\$0
Grand Total			\$526,360	\$300,000	\$226,360

Attachment 2
Estimated "Other" Budget: City of Fayetteville

Personnel	Salary	m/yr	Cost	Federal	Non Federal
Total, Personnel			\$0	\$0	\$0
Fringe Benefits %			\$0		\$0
Total Personnel including Fringe			\$0	\$0	\$0
Travel			\$	\$	\$
Equipment			\$	\$	\$
Total Equipment			\$	\$	\$
Supplies			\$	\$	\$
Total Supplies			\$	\$	\$
Contractual			\$	\$	\$
Total Contractual			\$	\$	\$
Construction			\$	\$	\$
Total Construction			\$	\$	\$
Other					
City of Fayetteville – Cash Match Funding for costs associated with data collection, design development, implementation of tributary to Cato Springs, and WFWR dam removal feasibility study			\$113,180		\$113,180
Total Other			\$113,180	\$	\$113,180
Total Direct Charges			\$113,180	\$	\$113,180
Indirect			\$0	\$0	\$0
Grand Total			\$113,180	\$	\$113,180

Attachment 3
Estimated "Other" Budget: Beaver Water District

Personnel

	Salary	m/yr	Cost	Federal	Non Federal
Total, Personnel			\$0	\$0	\$0
Fringe Benefits %			\$0		\$0
Total Personnel including Fringe			\$0	\$0	\$0

Travel

Total Travel	\$	\$	\$
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Equipment

Total Equipment	\$	\$	\$
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Supplies

Total Supplies	\$	\$	\$
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Contractual

Total Contractual	\$	\$	\$
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Construction

Total Construction	\$	\$	\$
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Other

Beaver Water District – Cash Match Funding for costs associated with data collection, design development, implementation of tributary to Cato Springs, and WFWR dam removal feasibility study.	\$93,180	\$93,180
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Beaver Water District – In-Kind Match for outreach, volunteer coordination, and trash removal/recycle to be conducted by Beaver Watershed Alliance.	\$20,000	\$20,000
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Total Other	\$113,180	\$	\$113,180
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Total Direct Charges	\$113,180	\$	\$113,180
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Indirect	\$0	\$0	\$0
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Grand Total	\$113,180	\$	\$113,180
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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
LIONELED JORDAN, Mayor

ATTEST:

By: Sondra E. Smith
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:

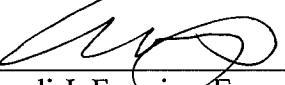
Sandi Formica, Executive Director
Watershed Conservation Resource Center
380 West Rock Street
Fayetteville, AR 72701
Office Phone: 479-444-1916
Cell Phone: 501-352-5252
Office Fax: 928-396-2546
E-mail: formica@watershedconservation.org

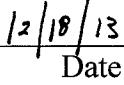
Chris Brown, P.E., City Engineer
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Phone: 479-575-8206
Fax: 479-575-8202
E-mail: cbrown@ci.fayetteville.ar.us

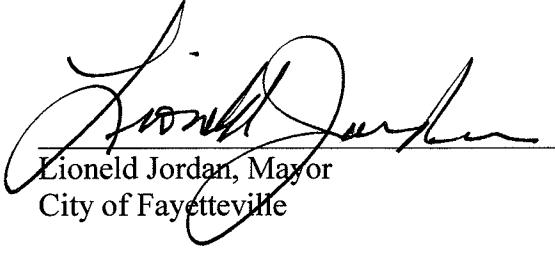
Sarah Wrede, E.I., Staff Engineer
City of Fayetteville
Phone: 479-575-8206
E-mail: swrede@ci.fayetteville.ar.us

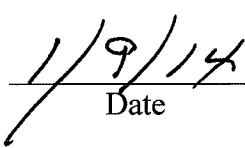
6. **NONDISCRIMINATION.** During the performance of this agreement, all parties will abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of age, race, color, religion, sex, national origin, or disability.

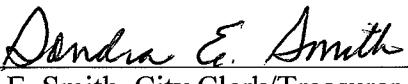
For S.F.


Sandi J. Formica, Executive Director
Watershed Conservation Resource Center


Date


Lioneld Jordan, Mayor
City of Fayetteville


Date


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


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

\$0.00

n/a

Cost of this request

Category or Project Budget

Program or Project Name

n/a

\$0.00

n/a

Account Number

Funds Used to Date

Program or Project Category

n/a

\$0.00

n/a

Project Number

Remaining Balance

Fund Name

Budgeted Item?

Budget Adjustment Attached? No

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

12-18-13 90.1152 RCV'D

Comments:

K. Wrede 12-19-13

Paul A. Behn 12-19-2013

J. M. Miller 12-19-13
Lionel 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