

City of Fayetteville Staff Review Form

City Council Agenda Items  
and  
Contracts, Leases or Agreements

4/3/2012

City Council Meeting Date  
Agenda Items Only

Sarah Wrede  
Submitted By

Engineering  
Division

Development Services  
Department

Action Required:

Approval of an ordinance waiving competitive bidding and approval of a one-year contract in the amount of \$45,969.00 with the Northwest Arkansas Regional Planning Commission for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension service to satisfy portions of the NPDES Phase II Stormwater Permit requirements.

\$ 45,969.00 Cost of this request	\$ 600,287.68 Category / Project Budget	Stormwater Quality Mgmt/Nutrient Reduct Program Category / Project Name
4470.9470.5817.00 Account Number	\$ 425,298.27 Funds Used to Date	Bridge & Drainage Improvements Program / Project Category Name
02097 Project Number	\$ 174,989.41 Remaining Balance	Sales Tax Capital Improvement Fund Name

Budgeted Item

Budget Adjustment Attached

Wm C. Pate  
Department Director

03-15-2012  
Date

Previous Ordinance or Resolution # \_\_\_\_\_

John Malley  
City Attorney

3-16-12  
Date

Original Contract Date: \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

Paul a. Buhn  
Finance and Internal Services Director

3-17-2012  
Date

Received in City Clerk's Office 03-15-12 P04:31 RCVD  
Kim J.

Ann Man  
Chief of Staff

3-19-12  
Date

Received in Mayor's Office  
ENTERED 3/16/12

Lionell Jordan  
Mayor

3/20/12  
Date

Comments:



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## CITY COUNCIL AGENDA MEMO

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**To:** Mayor and City Council

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

**From:** Sarah Wrede, Staff Engineer *SMW*

**Date:** March 15, 2012

**Subject:** Approval of an ordinance waiving competitive bidding and approval of a one-year contract in the amount of \$45,969.00 with the Northwest Arkansas Regional Planning Commission for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension service to satisfy portions of the NPDES Phase II Stormwater Permit requirements.

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**PROPOSAL:** Since 2003, the cities of Bentonville, Bethel Heights, Elkins, Elm Springs, Farmington, Fayetteville, Greenland, Johnson, Little Flock, Lowell, Springdale and Rogers along with Benton and Washington Counties and the University of Arkansas have been operating under EPA's federally mandated Phase II Stormwater regulations as Municipal Separate Storm Sewer Systems (MS4s). While these jurisdictions obtained separate NPDES permits, they jointly contracted with Cooperative Extension Service (CES) through the NWA Regional Planning Commission as a successful and cost-effective means of implementing the following minimum control measures required in their Phase II permits:

- 1) Public Education and Outreach
- 2) Public Involvement and Participation
- 6) Pollution Prevention and Good Housekeeping (training for municipal employees)

Positive feedback from ADEQ and participating MS4s has led to the CES and the NWARPC partnering for an additional urban stormwater education program in support of the MS4s' new 2009-2013 stormwater management permits. This contract is for participation in a 1-Year Regional Stormwater Education and Coordination Program. Katie Teague will provide a summary of accomplishments for 2011 and plans for 2012 at the agenda session meeting on March 27th.

**RECOMMENDATION:** Staff recommends approval of an ordinance to waive the requirements of competitive bidding and to authorize the Mayor to execute a Memorandum of Understanding with the Northwest Arkansas Regional Planning Commission for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension service.

**BUDGET IMPACT:** Currently, there is \$174,989.41 in the Stormwater Quality Mgmt/Nutrient Reduct account that has been designated for use to fund projects that improve stormwater quality in the City of Fayetteville. This project will be paid for from these funds.

### ATTACHMENTS

Memorandum of Understanding  
Urban Stormwater Education Program 2010-2014 Summary  
Cost Allocation Summary

# City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

**Stormwater**  
**At Purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)**  
**All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us**

**Vendor #:** 8810      **Vendor Name:** NWA Regional Planning

**Fob Point:**

**Requester:** Tandi Taylor

**State:**

**Zip Code:**

3062

**Ship to code:** RMT 1

**Extension:** 206

**Division Head Approval:** *[Signature]*

**Project/Subproject #:** 02097

**Inventory #:**

**Fixed Asset #:**

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers
1	NWA Stormwater Education Program 2012	1			\$45,969.00	4470.9470.5817
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:**

**Subtotal:** \$45,969.00  
**Tax:**  
**Total:** \$45,969.00

**Approvals:**

**Mayor:** \_\_\_\_\_ **Department Director:** \_\_\_\_\_

**Finance & Internal Services Director:** \_\_\_\_\_ **Budget Manager:** \_\_\_\_\_

**Dispatch Manager:** \_\_\_\_\_ **Utilities Manager:** \_\_\_\_\_

**Purchasing Manager:** \_\_\_\_\_

**IT Manager:** \_\_\_\_\_

**Other:** \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE MS4 JURISDICTIONS AND THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION IN THE AMOUNT OF \$45,969.00 FOR THE REGIONAL URBAN STORMWATER EDUCATION PROGRAM TO BE PROVIDED BY THE UNIVERSITY OF ARKANSAS COOPERATIVE EXTENSION SERVICE TO SATISFY PORTIONS OF THE NPDES PHASE II STORMWATER PERMIT REQUIREMENTS

**WHEREAS**, the provisions of the attached Memorandum of Understanding meet the City of Fayetteville's need for Stormwater Education and Outreach as part of its Stormwater Phase II permit requirements; and

**WHEREAS**, the University of Arkansas Cooperative Extension Service 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, the MS4 Jurisdictions and the Northwest Arkansas Regional Planning Commission in the amount of \$45,969.00 for the Regional Urban Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension Service to satisfy portions of the NPDES Phase II Stormwater Permit requirements.

**PASSED and APPROVED** this 3<sup>rd</sup> day of April, 2012.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

**MEMORANDUM OF UNDERSTANDING FOR THE  
MS4 JURISDICTIONS OF NORTHWEST  
ARKANSAS AND THE NORTHWEST ARKANSAS  
REGIONAL PLANNING COMMISSION**

**WHEREAS**, twelve cities in Benton and Washington Counties, the counties themselves, and the University of Arkansas meet the U.S. Environmental Protection Agency's "small" urbanized area municipal separate storm sewer (MS4) criteria, and must comply with national Phase II Stormwater Regulations; and

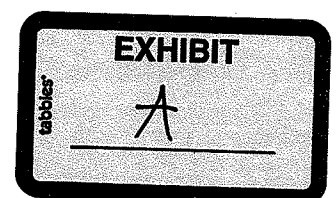
**WHEREAS**, the Arkansas Department of Environmental Quality (ADEQ), the state agency authorized by EPA to issue National Pollutant Discharge Elimination System (NPDES) permits requiring and ensuring compliance, has established February 1, 2009 as the latest date for affected entities to be covered under Arkansas' general permit for MS4s; and

**WHEREAS**, said permit requires development, implementation, and evaluation of a stormwater management plan, that addresses each of the six minimum control measures identified in the Phase II Storm Water Regulations contained in 40 CFR 122.26 and outlined in Part I.B.; and

**WHEREAS**, the Northwest Arkansas Regional Planning Commission (NWARPC) has coordinated meetings between representatives of affected jurisdictions in an effort to determine, in the interest of economy and efficiency, whether certain stormwater permit components could be addressed collectively, rather than individually; and

**WHEREAS**, it has been determined that a cost effective, regional approach to certain minimum control measures required as part of the permit – namely Public Education and Outreach, Public Involvement and Participation, and the education component of Pollution Prevention/Good Housekeeping – is both logical and appropriate; and

**WHEREAS**, the NWARPC requested and received statements of qualifications from interested institutions and firms with demonstrated water quality educational expertise, and has, in cooperation with representatives of affected MS4 jurisdictions, endorsed the attached proposal from the University of Arkansas Cooperative Extension Service; and



**WHEREAS**, the ADEQ has subsequently endorsed the regional concept and proposal for addressing said minimum control measures; and

**WHEREAS**, said representatives of affected MS4s have also endorsed the distribution of costs associated with the proposal as shown on the attached cost allocation plan; and

**WHEREAS**, the Board of Directors of the NWARPC have authorized the Commission to act as the financial clearinghouse and primary contractor, on behalf of said MS4s, in connection with said proposal.

**NOW, THEREFORE BE IT RESOLVED THAT WE,  
THE UNDERSIGNED MS4 JURISDICTION, AGREE AS  
FOLLOWS:**

**SECTION 1.** To participate in a 1 Year Regional Stormwater Education and Coordination Program (January 1, 2012 through December 31, 2012) based on the Urbanized Area population of the MS4s in the 2000 US Census, to be carried out by the University of Arkansas Cooperative Extension Service through an engagement with the Northwest Arkansas Regional Planning Commission, it being understood that said services to be provided shall satisfy requirements for the federally mandated minimum control measures identified above. Commitments for participation in said program in future years will require City Council approval on a year-to-year basis.

**SECTION 2.** To participate financially in accordance with the attached cost allocation plan. Any increases in the costs allocated to the undersigned MS4 due to the failure of other MS4 jurisdictions to participate shall be subject to the approval of the undersigned MS4.

**SECTION 3.** That all funds received by NWARPC from MS4s for this specific project shall be utilized in their entirety for services in connection with the 1 Year Regional Stormwater Education and Coordination Program, and shall be accounted for separately from all other Commission funds.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_ MS4 Jurisdiction

\_\_\_\_\_ *Jeff Hawkins* NWARPC

## **Urban Stormwater Education Program 2010-2014**

*University of Arkansas Division of Agriculture Cooperative Extension Service*

### **Introduction**

As the public education branch of the University of Arkansas Division of Agriculture, the mission of the Cooperative Extension Service (CES) is to provide research-based information through non-formal education to help Arkansans improve their economic well-being and the quality of their lives. Since 2004, the City of Fayetteville has jointly contracted with CES through the Northwest Arkansas Regional Planning Commission as a successful and cost-effective means of implementing the following minimum control measures required in our Phase II permits:

- #1) Public Education and Outreach
- #2) Public Involvement and Participation
- #6) Pollution Prevention and Good Housekeeping – municipal employee training component

### **Program Planning and Evaluation**

The City of Fayetteville participates in monthly meetings of the NWA Stormwater Compliance Group and has representation on the NWA Regional Stormwater Education Steering Committee. We also have representation on the Stormwater Education Steering committee (public membership comprised of diverse backgrounds/interests) convenes at least once each year to review and evaluate program accomplishments and plan next steps. Both groups provide the localized input used to identify critical stormwater issues and target audiences and program methods and public relations strategies.

### **BMPs and Measurable Goals**

#### **Minimum Control Measure #1 - Public Outreach and Education**

##### ***Develop and distribute electronic and printed educational materials***

Input from both the MS4 Stormwater Compliance Group and Education Steering Committee guides the emphases of electronic and printed educational materials. Once topics have been identified, fact sheets, podcasts, e-learning modules, website content, newsletters, press releases, and PSAs will be developed, adapted, and/or gathered for distribution at public meetings, in support of presentations, and with educational displays. Stormwater management and pollution prevention messages will be provided to participating MS4s for inclusion in municipal utility bill mailings to their residents.

##### ***Create displays and staff educational booths***

Displays highlighting the annual topics of emphasis will be created and set up/staffed at libraries, banks, schools, local festivals, county fairs, etc.

##### ***Conduct hand-on youth stormwater/water quality education programs***

Educational programs for school youth will focus on the water cycle, watersheds, stormwater dynamics, water quality and pollution prevention using the EnviroScape surface runoff model, groundwater simulator, hands-on exercises from Project WET, Project WILD, and Project Learning Tree and creekside classrooms. Programs conducted will support the Arkansas State Frameworks required curriculum.

***Conduct stormwater programs for adult audiences***

Educational presentations will be given to illustrate stormwater dynamics, identify potential pollutants and pathways, describe techniques to reduce stormwater pollution and encourage voluntary BMP implementation according to the annual topic/audience emphases outlined in the SWMP.

**Measureable Goals:**

A minimum of 20 electronic and printed educational materials will be developed  
The # of educational materials distributed will be documented  
Stormwater displays will be created and used at a minimum of 5 events/locales  
At least 20 stormwater education programs will be conducted for youth audiences  
At least 10 stormwater education programs will be conducted for adult audiences

**Performance Standard:**

Urban stormwater outreach/education programs will reach at least 26,220 residents (50% of the urbanized area population).

**Minimum Control Measure #2 - Public Participation and Involvement**

***Train and Utilize Volunteer Educators***

“Train-the-trainer” processes will be used to engage public volunteers and educators in teaching stormwater and pollution prevention (e.g. Benton and Washington County Master Gardeners, Master Naturalists, LakeSmart Leaders, etc.)

***Conduct Public Participation/Involvement Events***

Citizen and youth groups will participate in public involvement events (litter pick up, establishing demonstration rain gardens, planting riparian vegetation, stenciling storm drain inlets, etc.).

***Engage Residents in Stormwater Policy Development***

Information will be included through multiple outlets (website, newsletters, press releases, etc.) to encourage public input/involvement as MS4 stormwater management policy evolves.

**Measureable Goals:**

At least 5 train-the-trainer programs will be conducted.  
At least 3 public participation events will be coordinated.

**Performance Standard:**

At least 5 public participation and involvement activities will be conducted.



### **Minimum Control Measure #6 – MS4 Employee Training**

#### ***Train MS4 employees***

MS4 employees will be equipped with a knowledge and understanding of how to reduce the potential impact of their municipal operations activities on stormwater quality.

#### **Measureable Goal:**

A minimum of 10 training programs will be conducted for MS4 employees.

#### **Performance Standard:**

Training will be conducted for eligible employees annually.

**Cost Allocation\* of U of A Cooperative Extension Service Stormwater Regional Stormwater Education Program  
and NWA Regional Planning Commission Stormwater Coordination for NWA MS4 Jurisdictions  
based on the Urbanized Area Population of the 15 NWA MS4 Jurisdictions in the 2000 US Census**

<b>Jurisdiction</b>	<b>County</b>	<b>Population In Urbanized Area by Jurisdiction</b>	<b>Percent Urbanized Area Population</b>	<b>Total</b>
Bentonville	B	18,597	10.77%	\$16,296
Bethel Heights	B	650	0.38%	\$575
Elkins	W	722	0.42%	\$635
Elm Springs	W	34	0.02%	\$30
Farmington	W	3,271	1.89%	\$2,860
Fayetteville	W	52,439	30.38%	\$45,969
Greenland	W	552	0.32%	\$484
Johnson	W	1,908	1.11%	\$1,680
Little Flock	B	1,743	1.01%	\$1,528
Lowell	B	4,631	2.68%	\$4,055
Rogers	B	35,913	20.80%	\$31,473
Springdale	W	44,397	25.72%	\$38,918
University of Arkansas	W	3,694	2.14%	\$3,238
Benton County	W	1,889	1.09%	\$1,649
Washington County	W	2,190	1.27%	\$1,922
<i>Total</i>		172,630	100.00%	\$151,312

Note: Budget year runs from January 1 through December 31 of each calendar year  
\* These dollar breakouts assume all jurisdictions participate.