



Legislation Text

File #: 2014-0577, Version: 1

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A ONE-YEAR CONTRACT WITH THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION IN THE AMOUNT OF \$40,017.86 FOR A STORMWATER EDUCATION PROGRAM FOR 2015

WHEREAS, the City of Fayetteville, along with seventeen other cities in Northwest Arkansas, has been operating under the Environmental Protection Agency's federally mandated Phase II Stormwater Regulations as a Municipal Separate Storm Sewer System; and

WHEREAS, the Northwest Arkansas Planning Commission has determined that a regional approach to certain minimum control measures required for renewal of Municipal Separate Storm Sewer System permits - specifically Public Education and Outreach, Public Involvement and Participation, and the education component of Pollution Prevention/Good Housekeeping - is both logical, cost effective and appropriate, and this approach has been approved by the Arkansas Department of Environmental Quality; and

WHEREAS, the Northwest Arkansas Planning Commission has endorsed a proposal from the University of Arkansas Cooperative Extension Service to design and provide a stormwater education program to all Municipal Separate Storm Sewer Systems in Northwest Arkansas; and

WHEREAS, the cost of the agreement to the City for 2015 exceeds \$20,000.00 and would otherwise require competitive bidding unless the requirement is waived.

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 authorizes the Mayor to sign a Memorandum of Understanding, a copy of which is attached hereto and made a part hereof, between the City and the Northwest Arkansas Regional Planning Commission in the amount of \$40,017.86 for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension Service to satisfy portions of the Environmental Protection Agency's Phase II Stormwater Regulations.

City of Fayetteville Staff Review Form

2014-0577

Legistar File ID

1/6/2015

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

Chris Brown

11/20/2014

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Waiving competitive bidding and approving of a one-year agreement in the amount of \$40,017.86 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

Budget Impact:

4470.9470.5817.00	4470 - Sales Tax Capital Improvements																														
Account Number	Fund																														
02097	Stormwater Quality Management (Stormwater Quality Mgmt/Nutrient Reduct)																														
Project Number	Project Title																														
<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">Budgeted Item?</td> <td style="width: 10%;"><u>Yes</u></td> <td style="width: 30%;">Current Budget</td> <td style="width: 10%; text-align: right;">\$</td> <td style="width: 10%; text-align: right;">407,246.00</td> </tr> <tr> <td></td> <td></td> <td>Funds Obligated</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">278,756.72</td> </tr> <tr> <td></td> <td></td> <td>Current Balance</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">128,489.28</td> </tr> </table>	Budgeted Item?	<u>Yes</u>	Current Budget	\$	407,246.00			Funds Obligated	\$	278,756.72			Current Balance	\$	128,489.28	<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%;"></td> <td style="width: 30%;">Item Cost</td> <td style="width: 10%; text-align: right;">\$</td> <td style="width: 10%; text-align: right;">40,017.86</td> </tr> <tr> <td>Does item have a cost?</td> <td><u>Yes</u></td> <td>Budget Adjustment</td> <td></td> <td></td> </tr> <tr> <td>Budget Adjustment Attached?</td> <td><u>No</u></td> <td>Remaining Budget</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">88,471.42</td> </tr> </table>			Item Cost	\$	40,017.86	Does item have a cost?	<u>Yes</u>	Budget Adjustment			Budget Adjustment Attached?	<u>No</u>	Remaining Budget	\$	88,471.42
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V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JANUARY 6, 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: November 20, 2014

SUBJECT: Waiving competitive bidding and approving of a one-year agreement in the amount of \$40,017.86 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

RECOMMENDATION:

Staff recommends waiving competitive bidding and approving of a one-year agreement in the amount of \$40,017.86 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

BACKGROUND:

The City of Fayetteville has participated in the educational program provided by the University of Arkansas Cooperative Extension since its inception. This program has been very successful and a valuable asset to the public as well as the city.

DISCUSSION:

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). The cities of Bella Vista, Cave Springs, Centerton, Pea Ridge, Prairie Grove, and Tontitown were recently designated as MS4s based on the 2010 census and these cities are joining the education program this year. While these jurisdictions obtained separate National Pollutant Discharge Elimination System (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 as well as ensure uniformity in the message presented to residents of Northwest Arkansas:

- 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 2014-2019 stormwater management permits. This contract is for participation in a 1-Year Regional Stormwater Education and Coordination Program.

BUDGET/STAFF IMPACT:

Funding in the amount of \$40,017.86 is available in the Stormwater Quality Management and Nutrient Reduction Plan Budget. These funds are proposed to be utilized to satisfy the terms of the agreement.

Attachments:

Memorandum of Understanding
Urban Stormwater Education Program 2015-2019 Summary
Cost Allocation Summary

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:
P.O Number:	

Vendor #: 8810	Vendor Name: NWA Regional Planning Commission	Mail <input type="checkbox"/> Yes <input type="checkbox"/> No	Legistar#: 2014-0577
Address:		FOB Point:	Expected Delivery Date:
City:	State:	Zip Code: Ship to code:	
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	2015 Stormwater Education	1	LOT	40,017.86	\$40,017.86	02097			
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: <u> \$40,017.86</u> Tax: <u> \$0.00</u> Total: <u> \$40,017.86</u>
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Approvals:

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



NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

1311 Clayton St., Springdale, Arkansas, 72762

• (479) 751 7125

• Fax: (479) 751 7150

• <http://nwarpc.org>

MEMO

TO: MS4 REPRESENTATIVES

FROM: CELIA SCOTT-SILKWOOD, AICP, REGIONAL PLANNER

DATE: OCTOBER 24, 2014

RE: STORMWATER EDUCATION PROGRAM 2015 MEMORANDUM OF UNDERSTANDING

I am enclosing an original of your jurisdiction's 2015 Memorandum of Understanding (MOU) for the regional Stormwater Education Program signed by Jeff Hawkins.

Please deliver the MOU to the appropriate person in your jurisdiction to sign and date.

You may return the MOU either by the US Postal Service, or through email. If at all possible the MOU should be returned by the end of the year.

If you have any questions, please let me know. Thank you for your prompt attention to this matter.

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

WHEREAS, eighteen 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, will establish dates 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 previously 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 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, AND THE BOARD OF DIRECTORS OF THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION, AGREE AS FOLLOWS:

SECTION 1. To participate in a 1-Year Regional Stormwater Education and Coordination Program (January 1, 2015 – December 31, 2015), to be carried out by the University of Arkansas Cooperative Extension Service through an engagement with the Northwest Arkansas Regional Planning Commission, with costs based on a Base cost and each jurisdiction's prorated share of the region's 2010 urbanized area population; it being understood that said services to be provided shall satisfy requirements for the federally-mandated minimum control measures referenced herein. Commitments for participation in said program in future years will require governing body 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 shall be utilized in their entirety for stormwater management program services and coordination activities in connection with EPA Phase II Stormwater Program requirements, and shall be accounted for separately from all other Commission funds.

Dated this _____ day of _____, 2014.

FAYETTEVILLE



Jeff Hawkins NWARPC

**Cost Allocation* of U of A Cooperative Extension Service Regional Stormwater Education and NWA Regional Planning
Commission Stormwater Coordination for NWA MS4 Jurisdictions**

**MS4 Cost = \$2,000 Base cost + (Remaining Program Cost x % NWA Urbanized Area Population)
Using 2010 US Census Urban Block Data for the 21 MS4 Collaborating Jurisdictions**

Jurisdiction	Urbanized Area Population	Total Population	% Urbanized Area Population	\$2,000 Base with % Urbanized Area
Greenland	721	1,294	0.24%	\$2,418.76
Elim Springs	973	1,535	0.33%	\$2,565.12
Cave Springs	969	1,931	0.33%	\$2,562.80
Bethel Heights	2,359	2,372	0.80%	\$3,370.12
Tontitown	71	2,460	0.02%	\$2,041.24
Little Flock	1,742	2,585	0.59%	\$3,011.77
Elkins	1,991	2,648	0.67%	\$3,156.39
Johnson	3,123	3,354	1.06%	\$3,813.86
Prairie Grove	69	4,380	0.02%	\$2,040.08
Pea Ridge	4,298	4,794	1.46%	\$4,496.31
Farmington	4,964	5,974	1.68%	\$4,883.12
Lowell	6,574	7,327	2.23%	\$5,818.22
Centeron	9,135	9,515	3.10%	\$7,305.67
Bella Vista	22,841	26,461	7.74%	\$15,266.20
U of A	5,801	27,503	1.97%	\$5,369.26
Bentonville	33,801	35,301	11.45%	\$21,631.84
Washington County†	1,868	203,065	0.63%	\$3,084.95
Benton County‡	5,339	221,339	1.81%	\$5,100.93
Rogers	54,897	58,895	18.60%	\$33,884.54
Springdale	68,088	70,747	23.07%	\$41,545.96
Fayetteville	65,457	73,580	22.18%	\$40,017.86
Program Totals	295,081		100.00%	\$213,385.00

Note: Budget year runs from January 1 through December 31 of each calendar year

* These dollar breakouts assume all jurisdictions participate

‡ Total population reflects the total county population including all incorporated areas

A. Minimum Control Measure #1: Public Education and Outreach on Stormwater Impacts

Permit Requirements: Regulation 40 CFR 122.34(b)(1): “The permittee must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.”

Decision Process

The City of Fayetteville participates in monthly meetings of the NWA Stormwater Compliance Group. We also have representation on the NWA 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.

Applicable Public Education/Outreach BMPs

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, materials will be developed, adapted, and/or gathered for distribution at public meetings, in support of presentations, and with educational displays. Examples may include fact sheets, podcasts, e-learning modules, website content, newsletters, press releases, and PSAs.

Measureable Goals:

A minimum of 20 electronic and printed educational materials will be developed.

The number of educational materials distributed will be documented.

MS4 Stormwater Compliance Group and Education Steering Committee meetings attendance will be documented.

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.

Measureable Goal:

Stormwater displays will be created and used at a minimum of 5 events/locales

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 Goal:

At least 10 stormwater education programs will be conducted for adult audiences

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/Common Core required curriculum.

Measureable Goals:

At least 20 stormwater education programs will be conducted for youth audiences

Responsible Party

The Northwest Arkansas Regional Planning and the University of Arkansas Cooperative Extension Service has contracted with the municipality to be responsible for the development and implementation of the public education efforts. A copy of that agreement is included in this plan.

Performance Standard:

Urban stormwater outreach/education programs will reach at least 32,729 residents (50% of the urbanized area population).

**Minimum Control Measure #1:
5 Year Implementation Schedule**

2015	2016	2017	2018	2019
<i>Topic Emphases:</i> Yard and garden management	<i>Topic Emphasis:</i> Automotive maintenance	<i>Topic Emphasis:</i> Septic system and pool maintenance	<i>Topic Emphasis:</i> Litter/trash management	<i>Topic Emphasis:</i> Irrigation management to minimize runoff/disconnecting impervious surfaces
<i>Target Audience:</i> Homeowners and garden enthusiasts	<i>Target Audience:</i> Vehicle owners	<i>Target Audience:</i> Homeowners with septic systems/pools	<i>Target Audience:</i> General public, homeowners	<i>Target Audience:</i> Homeowners and businesses with irrigation systems and guttering
<i>Rationale:</i> Improper yard waste disposal can clog storm drains and excess fertilizer and pesticide applications can contaminate stormwater with nutrients and chemicals	<i>Rationale:</i> Leaking automotive fluids and washing vehicles on paved surfaces allow oil, grease and chemicals to be carried in stormwater to local waterways	<i>Rationale:</i> Malfunctioning septic systems, improper handling and disposal of pool chemicals and emptying chlorinated pool water can impact stormwater quality	<i>Rationale:</i> Improper handling and disposal of litter can allow it to enter the storm drain system and impact stormwater quality	<i>Rationale:</i> Efficient irrigation conserves water and prevents it from entering the storm drain system while disconnecting impervious surfaces minimizes runoff by enhancing infiltration

B. Minimum Control Measure #2:

Public Involvement/Participation

Permit Requirements: The permittee must, at a minimum, comply with State and local public notice requirements when implementing a public involvement/participation program.

Decision Process

The City of Fayetteville participates in monthly meetings of the NWA Stormwater Compliance Group. 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.

Applicable BMPs

Engage Residents in Stormwater Policy Development

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, materials will be developed, adapted, and/or gathered for distribution at public meetings, in support of presentations, and with educational displays. Examples may include fact sheets, podcasts, e-learning modules, website content, newsletters, press releases, and PSAs. (This item to be tracked and documented within Public Education/Outreach, MCM #1)

Measureable Goals:

The number of educational/announcements materials distributed will be documented. (see MCM #1)

MS4 Stormwater Compliance Group and Education Steering Committee meetings attendance will be documented. (see MCM #1)

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.)

Measureable Goal:

At least 5 train-the-trainer programs will be conducted.

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.).

Measureable Goal:

At least 5 public participation events will be coordinated.

Responsible Parties

The jurisdiction is responsible for the development and implementation of the public involvement and participation efforts, utilizing the services of the University of Arkansas Cooperative Extension Service (contracted through the Northwest Arkansas Regional Planning Commission).

Performance Standard

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

**Minimum Control Measure #2:
5 Year Implementation Schedule**

2015	2016	2017	2018	2019
<i>Program Emphasis:</i> Engage organizations (such as Master Gardeners, POAs and lawn care/landscaping professionals) to promote stormwater pollution prevention education	<i>Program Emphasis:</i> Engage HHW Collection Centers and automotive shops to promote their vehicle fluid collection	<i>Program Emphasis:</i> Partner with POAs, Health Department and watershed organizations to promote proper septic system function through inspections and regular pumping	<i>Program Emphasis:</i> Coordinate clean up events (potential locations: creek, lake, park, trail or roadway)	<i>Program Emphasis:</i> Partner with the Arkansas Irrigation Association to promote proper irrigation system use/maintenance
<i>Target Audience:</i> Homeowners, lawn care/landscaping professionals	<i>Target Audience:</i> Vehicle owners, automotive maintenance professionals	<i>Target Audience:</i> Homeowners with septic systems or swimming pools	<i>Target Audience:</i> MS4 residents	<i>Target Audience:</i> Homeowners and businesses with irrigation systems
<i>Rationale:</i> Improper management of grass clippings and leaves can clog storm drains and excess fertilizer and pesticide applications can contaminate stormwater with nutrients and chemicals	<i>Rationale:</i> Improper handling/disposal of automotive fluids allow oil, gasoline and other vehicle fluids to be transported in stormwater to local waterways	<i>Rationale:</i> Malfunctioning septic systems, improper handling and disposal of pool chemicals and emptying chlorinated pool water can impact stormwater quality	<i>Rationale:</i> Improper handling and disposal of litter can allow it to enter the storm drain system and impact stormwater quality	<i>Rationale:</i> Efficient irrigation conserves water and prevents it from entering storm drain systems