



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Agenda Public Works Council Committee

Tuesday, January 7, 2025

5:00 PM

Municipal Center, 300 S. Church

1. CALL TO ORDER

2. ROLL CALL (ELECTRONIC ATTENDANCE) CONFIRMED BY CITY CLERK APRIL LEGGETT

3. ELECTION OF A CHAIR

4. APPROVAL OF MINUTES

[MIN-24:112](#) Minutes for the Public Works Committee meeting on Tuesday, December 05, 2024

Attachments: [Minutes](#)

5. NEW BUSINESS

RESOLUTIONS TO BE INTRODUCED

[RES-24:181](#) A RESOLUTION REQUESTING FREE UTILITY SERVICES FROM CITY WATER AND LIGHT FOR TRAIL LIGHTING PEDESTALS AT CRAIGHEAD FOREST PARK

Sponsors: Engineering and Parks & Recreation

[RES-24:185](#) A RESOLUTION BY THE CITY COUNCIL OF JONESBORO, ARKANSAS AUTHORIZING THE OFFER AND ACCEPTANCE TO PURCHASE ADDITIONAL RIGHT-OF-WAY AT 3219 S CARAWAY ROAD FOR THE PURPOSE OF THE CONSTRUCTING AND MAINTAINING ROADWAY IMPROVEMENTS

Sponsors: Engineering

Attachments: [Offer and Acceptance - 3219 S Caraway Rd.pdf](#)

[RES-24:186](#) RESOLUTION BY THE JONESBORO CITY COUNCIL TO HIRE DTA TO STUDY IMPACT FEES IN THE CITY OF JONESBORO

Sponsors: Planning

Attachments: [Proposal - City of Jonesboro Impact Fee Study 11-19-24.pdf](#)

6. PENDING ITEMS

7. OTHER BUSINESS

8. PUBLIC COMMENTS

9. ADJOURNMENT



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: MIN-24:112

Agenda Date:

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Minutes for the Public Works Committee meeting on Tuesday, December 05, 2024



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Public Works Council Committee

Thursday, December 5, 2024

5:00 PM

Municipal Center, 300 S. Church

NOTICE: MOVED TO THURSDAY DUE TO RUN-OFF ELECTION

1. CALL TO ORDER

2. ROLL CALL (ELECTRONIC ATTENDANCE) CONFIRMED BY CITY CLERK APRIL LEGGETT

Present 8 - John Street; Mitch Johnson; Chris Moore; Charles Coleman; LJ Bryant; Ann Williams; Janice Porter and Anthony Coleman

3. APPROVAL OF MINUTES

[MIN-24:075](#) Minutes for the Public Works Committee meeting on August 06, 2024

Attachments: [Minutes](#)

A motion was made by Mitch Johnson, seconded by Chris Moore, that this matter be Passed . The motion PASSED with the following vote.

Aye: 7 - Mitch Johnson; Chris Moore; Charles Coleman; LJ Bryant; Ann Williams; Janice Porter and Anthony Coleman

4. NEW BUSINESS

[ORD-24:035](#) AN ORDINANCE AMENDING SECTIONS 9.1 AND 9.2 OF THE STORMWATER DRAINAGE DESIGN MANUAL WITH REGARD TO STRUCTURES IN ZONES AE, AH, AO, AND A

Sponsors: Engineering

Councilmember Chris Moore said, Mr. Chair, I didn't, in the reading, what was the percentage of improvement on an existing house that would trigger that? Chairman John Street said, Craig you want to address that? I don't think I read a percentage of improvement. It just said a substantial. Engineering Department Director Craig Light approached the podium and said, the substantial improvement requirement is over 50%. Councilmember Chris Moore said, 50% of the appraised value of the structure, as completed or as existing? Director Craig Light said, the existing structure. So, if you're increasing the value of the structure by more than 50% then that would trigger it. Now, the Stormwater Board has the ability to grant variances for instances that might be triggered because of that, in an existing structure. It's discouraged to grant variances every time something comes up, but if there's a substantial damage to a property there's the variance policy for that. Councilmember Chris Moore said, I know after the last tornado we had, all down Prospect Road, that came into being an issue. The base flood plain elevation certificates on a lot of those were pretty iffy, and if we

had another example of, maybe the roof was blown off a house, would that require them to bring the whole house up? Director Craig Light said, it could potentially, but there is a variance process for those. That they could possibly get a variance. And I know that there were some variances granted during that time, during that tornado period, for some of the other structures. Councilmember Chris Moore said, so roughly 50% of the appraised value of the home would be the trigger? Director Craig Light said, yes. Councilmember Chris Moore said, ok. Director Craig Light said, but with events like that, without having this two-foot free board requirement, there are no grant opportunities available for those people if their property doesn't meet the requirements. There's an improved Cost of Compliance Grant up to \$30,000, if we don't have that adopted as a community then those people would not be eligible for that extra funding, if there was a tornado or something that damaged their property and they had to bring it into compliance. And also, we could potentially lose some FHWA or FHA loans in flood zone areas. Most of our properties that are being built on or not residential housing that are not being built in flood prone areas, but we do have some. So, it's not going to affect every house that goes into Jonesboro, just those that are building in flood prone areas. Which we need to be protected of those areas and those future homeowners in those areas. Councilmember Chris Moore said, we have a pretty substantial amount of new construction off Race Street and stuff that is built at the 12-inch mark. So, if something happened down there, you know, it would be you'd pretty much have to replace all those to get them up to two feet. And I couldn't hear everything John read, but is there a provision in there for commercial or was that strictly residential? Director Craig Light said, one of the federal agencies did identify the two-foot free board for commercial properties as well, and then the other agency did not. The Stormwater Board's recommendation is for commercial and residential properties. The two-foot of free board has been around since the model ordinance back in the 2008, 2009. The City of Jonesboro lowered that to one-foot, and it's been one-foot ever since, but the model that the feds have wanted us to adopt all along has been two-foot. Now they're essentially making it mandatory to do it. Councilmember Chris Moore said, the reason I was thinking about that, we have a pretty good swath of commercial property off Red Wolf, right along the Race Street corridor and on toward the bypass. Some of it falls borders flood zone. and I was thinking about when somebody comes in and remodels the building to change from one business to another, would that trigger the two-foot free board on a commercial property? Director Craig Light said, it shouldn't. If the improvements that are required for change of use are triggered by a city requirement, then I believe there is an exemption in the 51% rule. So, the improvements that you're making to a property to bring it into compliance for some other rule is not included in that 51% calculation. Councilmember Chris Moore said, what I was thinking was like, you take the Red Lobster restaurant, they go out of business then somebody else comes in and they'll spend 50% of the appraised property value. They may use to remodel the building and rebrand it into a different restaurant. I want to make sure that wouldn't trigger automatically a two-foot free board. Director Craig Light said, I can't imagine that they would update that facility so much that it would be 51% of the value of the structure. But I understand what your concern is and there's a variance process for that. And the thing with commercial properties is, there's a floodproofing that is not available for residential. And so, you have the opportunity on commercial properties to basically allow flood waters to inundate property as long as you don't damage it with that, and they do not allow that with residential properties. Councilmember Chris Moore said, and I can understand the reasoning on that, and I'm all about it on new construction. I just want to make sure we don't get into a situation with a large group of commercial properties that are all of a sudden out of compliance and have to be built up. Director Craig Light said, right. There is a variance process, and the board can grant variances. When we had the tornado, I know there were some variances granted just to bring it to the one-foot, so

I'm sure that would be the case again if there was another incident like that, that would be taken into account during that. It's really meant for new construction.

Chairman John Street said, Craig, does this need to be walked on? How quick do we need to get it through? Director Craig Light said, we have another City Council meeting this month, so the rule goes into effect in January. We're looking for those structures that we issue a permit on after January 1. So, it doesn't have to be walked on this evening.

A motion was made by Mitch Johnson, seconded by Anthony Coleman, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 7 - Mitch Johnson;Chris Moore;Charles Coleman;LJ Bryant;Ann Williams;Janice Porter and Anthony Coleman

5. PENDING ITEMS

6. OTHER BUSINESS

7. PUBLIC COMMENTS

8. ADJOURNMENT

A motion was made by Chris Moore, seconded by Mitch Johnson, that this meeting be Adjourned. The motion PASSED with the following vote.

Aye: 7 - Mitch Johnson;Chris Moore;Charles Coleman;LJ Bryant;Ann Williams;Janice Porter and Anthony Coleman



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: RES-24:181

Agenda Date:

Version: 1

Status: To Be Introduced

In Control: Public Works Council Committee

File Type: Resolution

A RESOLUTION REQUESTING FREE UTILITY SERVICES FROM CITY WATER AND LIGHT FOR TRAIL LIGHTING PEDESTALS AT CRAIGHEAD FOREST PARK

WHEREAS, the City of Jonesboro is requesting that City Water and Light provide free utilities at the following locations:

204 Forest Park Loop
319 Forest Park Loop
13 Forest Access Rd #3
605 Forest Park Loop
902 Forest Park Loop
1040 Forest Park Loop

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: That City Water and Light requested by this resolution to provide free utilities to the locations listed above.

Section 2: To permit such services to be provided without charge, the City of Jonesboro hereby affirms to City Water and Light that the ultimate use of CWL utilities so provided is now and shall remain a use or purpose which the City is engaged in as part of its governmental or proprietary functions under authority to it by state law.



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: RES-24:185

Agenda Date:

Version: 1

Status: To Be Introduced

In Control: Public Works Council Committee

File Type: Resolution

A RESOLUTION BY THE CITY COUNCIL OF JONESBORO, ARKANSAS
AUTHORIZING THE OFFER AND ACCEPTANCE TO PURCHASE ADDITIONAL
RIGHT-OF-WAY AT 3219 S CARAWAY ROAD FOR THE PURPOSE OF THE
CONSTRUCTING AND MAINTAINING ROADWAY IMPROVEMENTS

WHEREAS, the City of Jonesboro, Arkansas desires to purchase the following described
right-of-way for the purpose of constructing and maintaining roadway improvements:

PERMANENT RIGHT-OF-WAY BEING A PART OF THE NORTHEAST QUARTER OF
THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 14 NORTH, RANGE 04
EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 32, TOWNSHIP 14
NORTH, RANGE 04 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS;
THENCE NORTH 00°00'00" EAST, 1604.22 FEET; THENCE NORTH 90°00'00" WEST,
27.17 FEET TO THE POINT OF BEGINNING PROPER; THENCE SOUTH 88°30'47"
WEST, 20.91 FEET; THENCE NORTH 01°31'04" EAST, 158.91 FEET; THENCE SOUTH
08°25'25" EAST, 112.71 FEET; THENCE SOUTH 00°13'12" EAST, 46.82 FEET TO THE
POINT OF BEGINNING PROPER, CONTAINING 2035 SQ. FT., MORE OR LESS,
SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

WHEREAS; an Offer has been made and accepted to the sell the above described property for
the price of \$30,500.00.

WHEREAS; the attached Offer and Acceptance will be executed upon passage of this
resolution.

WHEREAS; the funding for this purchase shall come from the Capital Improvement budget.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF
JONESBORO THAT:

Section 1: The Mayor and City Clerk are hereby authorized to execute the documents necessary
to effectuate this transaction.

**REAL ESTATE CONTRACT FOR CITY OF JONESBORO
OFFER AND ACCEPTANCE**

1. **BUYERS:** The Buyers, **CITY OF JONESBORO, A MUNICIPAL CORPORATION** offer to buy, subject to the terms set forth herein, the following

2. **PROPERTY DESCRIPTION: (3219 S Caraway Road 01-144321-01500)**

PERMANENT RIGHT-OF-WAY BEING A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 14 NORTH, RANGE 04 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 32, TOWNSHIP 14 NORTH, RANGE 04 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS; THENCE NORTH 00°00'00" EAST, 1604.22 FEET; THENCE NORTH 90°00'00" WEST, 27 .17 FEET TO THE POINT OF BEGINNING PROPER; THENCE SOUTH 88°30'47" WEST, 20.91 FEET; THENCE NORTH 01 °31'04" EAST, 158.91 FEET; THENCE SOUTH 08°25'25" EAST, 112.71 FEET; THENCE SOUTH 00°13'12" EAST, 46.82 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 2035 SQ. FT., MORE OR LESS, SUBJECT TO ALL RIGHTS-OF- WAY AND EASEMENTS OF RECORD.

3. **PURCHASE PRICE:** The Buyers will pay as total purchase price for said property, the sum of thirty thousand five hundred dollars **(\$30,500.00)**.

4. **CONVEYANCE:** Conveyance shall be made to Buyers or as directed by Buyers, by execution of Permanent Right-of-Way document, except it shall be subject to recorded restrictions and easements, if any, which do not materially affect the value of the property. Unless expressly reserved herein, such conveyance shall include mineral rights owned by Seller.

5. **PRO-RATIONS:** Taxes and special assessments, and allowable expenses due on or before closing shall be paid at closing from the proceeds of the sale.

6. **CLOSING:** The closing date will be immediate upon receipt of purchase price. Closing cost to be paid by the buyer.

7. **POSSESSION:** Possession shall be delivered to Buyers: Upon Buyers Closing

THIS IS A LEGALLY BINDING CONTRACT WHEN SIGNED BY BOTH BUYER AND SELLER.

BUYER

CITY OF JONESBORO
CRAIGHEAD COUNTY, AR

Name: _____

Title: _____ Mayor _____

Date: _____

ATTEST

City Clerk

SELLER



Name: Shafeeq Khimani

Date: 12/27/2024

Name: _____

Date: _____



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

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Agenda Date:

Version: 1

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In Control: Public Works Council Committee

File Type: Resolution

RESOLUTION BY THE JONESBORO CITY COUNCIL TO HIRE DTA TO STUDY IMPACT FEES IN THE CITY OF JONESBORO

WHEREAS, the City Council is reviewing proposed changes to its zoning regulations, and has been considering the issue of impact fees; and

WHEREAS, it is crucial to determine the impact of development in the city before considering changes to the city code or the assessing of said fees; and

WHEREAS, the City Council believes such a study may take several months, and an expert is required to conduct an accurate study on impact fees and make recommendations for what, if any, fees would be appropriate; and

WHEREAS, it is the desire of the Impact Fee Review Committee to hire DTA for their consulting services.

WHEREAS, the Impact Fee Review Committee held a meeting on December 3, 2024 and voted unanimously to recommend the acceptance DTA's proposal.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

SECTION 1: The City of Jonesboro, Arkansas shall contract with DTA for a citywide impact fee study.

SECTION 2: The Impact Fee Review Committee and staff are approved to take necessary actions to finalize contractual necessities and administrative task associated with the study.

SECTION 3: The Mayor and City Clerk are hereby authorized to execute documents to effectuate this agreement.

PROPOSAL

CITYWIDE IMPACT FEE STUDY

November 19, 2024

The logo for DTA (Development Tax Authority) features the lowercase letters 'dta' in a bold, black, sans-serif font. A white diagonal line cuts across the top right corner of the page, passing behind the logo.

CITY OF JONESBORO

SUBMITTED BY:

Kuda Wekwete
Managing Director

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Raleigh, NC 27603
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Kuda@FinanceDTA.com



www.FinanceDTA.com

614 Capital Boulevard, Unit 202
Raleigh, NC 27603

CITY OF JONESBORO



CITYWIDE IMPACT FEE STUDY

NOVEMBER 19, 2024

Prepared for:

City of Jonesboro

300 South Church Street

Jonesboro, AR 72403

Attention: Steve Kent, Purchasing Agent

Project Contact:

Kuda Wekwete

Managing Director, DTA

614 Capital Boulevard, Unit 202

Raleigh, NC 27603

Phone: (800) 969-4DTA x204

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I PROJECT UNDERSTANDING

DTA is pleased to submit this proposal to the City of Jonesboro (the “City”). It is our understanding that the City is seeking a qualified consultant to conduct a Citywide Development Impact Fee (“DIF” or “Impact Fee”) study. All work to be completed will satisfy the requirements of Arkansas Code 14-56-103 (the “Arkansas Impact Fee Law”). The Arkansas Impact Fee Law-compliant Fee Study would recommend the appropriate fee justification methodology and fee levels to support specific types of City-selected capital facilities needed to serve new growth. The work will generally consist of all necessary services related to impact fee structuring for complete streets, drainage, parks, and public safety.

A Project Management Services

DTA’s client contact and interaction continue beyond the basic deliverables. DTA is a customer and community-centric firm committed to excellence, quality products, and an open and interactive communication environment. We employ these practices in the workplace, in cities, counties, and towns, and with the many clients that we have served for 39 years. **DTA realizes that every client, like every person, is a distinct entity best understood and served in a direct and collaborative manner.**

DTA serves clients in small towns, medium-sized cities, and larger municipalities. Our service philosophy is three-pronged: we strive to know our customers, understand the communities we’re privileged to serve, and always provide the best care, advice, and products. At DTA, we also understand that every project is different, and every outcome is special to our team. Our values of accountability, integrity, and excellence underlie all work performed.

DTA has assembled an experienced and capable team with expertise in each unique element of study requested by the City. All personnel will be available full-time (100%) for the duration of the project. As such, a key objective for this project will be to complete all tasks of the project within the agreed-upon budget and schedule. Time and time again, DTA has proven its ability to adhere to contract agreements and understand the importance of good project management. A number of key strategies employed for all of DTA’s clients are listed below:

- Reviewing prior studies and effectively managing data requests and data gathering/consolidation;
- Ensuring key stakeholder input is received prior to writing any reports, so work need not be duplicated;
- Leveraging technology to request and track information from various sources and stakeholders;
- Setting up standing conference calls (i.e., weekly, bi-weekly), in addition to scheduled meetings with City staff in order to stay on track with tasks and deliverables and discuss critical project elements; and
- Preparing internal report drafts for City staff review and discussion on conference call(s).

DTA utilizes the software application BQE CORE to track project expenditures. This program is always available to DTA’s employees and provides detailed project information ranging from the execution of the contract to completion of the project. To manage this contract effectively in terms of team performance, schedule compliance, and budget adherence, Mr. Wekwete, DTA’s Primary Project Manager, will utilize these tools:

- Bi-weekly assignment checklists throughout the life of the contract to ensure each task remains on schedule by utilizing proper staffing assignments.
- Consistent communication with City staff via e-mail, telephone, and in-person meetings, as needed.
- Weekly budget review to ensure no budget overruns occur. DTA’s customized accounting system will enable us to track the expenditures to date each week and ensure budget compliance.
- Regular meetings with City staff to discuss progress and any issues and receive guidance.

At DTA, all our multidisciplinary team members come from diverse backgrounds, and we put people first. We pride ourselves on developing strong relationships with our clients and working closely with them to understand the big picture and goals they want to achieve as a result of our engagement, as well as how DTA’s work may impact other initiatives both now and in the future. We understand that public finance is about ensuring that communities can thrive by assessing what the best solution is for the community as a whole and what will help the community reach and sustain infrastructure growth goals.

DTA brings a practical perspective combined with real-world experience in working with municipalities, which gives us the ability to understand and communicate with all stakeholders throughout the process. Regarding our engagement approach, we will work closely with City leadership to engage with property owners, business owners, and community leaders to understand any issues or pressure points, as well as what is envisioned for the future.

Finally, DTA will provide independent and objective work products. Our firm regularly reviews legal opinions, regulations, and statutes that impact or modify public finance-related case law. Thus, DTA is committed to providing deliverables that reflect the most current developments in public finance and real property law.

B Project Approach

DTA would provide all-inclusive professional and technical support to the City in developing a conceptual project scope and reviewing any existing City DIF studies related to General Plans, Specific Plans, the Comprehensive Land Use Plan, and the Capital Improvements Plan, in addition to preparing a comprehensive review of required impact fee levels documented in the formal Nexus Study prepared under the Arkansas Impact Fee Law. Having been subjected to legal and developer scrutiny, DTA has developed a streamlined approach and methodology that establishes a rational and substantial nexus between new development and the need for public facilities.

DTA’s Final Report shall not address whether any current or proposed DIFs are valid under the U.S. Constitution’s Fifth Amendment Takings Clause. On April 12, 2024, in *Sheetz v. County of El Dorado* (2024), the U.S. Supreme Court held that its decisions in *Nollan v. California Coastal*

Comm'n (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374 apply to legislatively imposed conditions on land-use permits. That said, the Supreme Court left it to the California appellate court on remand to address the validity of the traffic impact fee at issue in the case and determine how to apply *Nollan/Dolan* in this context. DTA cannot predict how courts will resolve such issues in the future and is providing no services or guarantees of any kind concerning the validity of any impact fees under the U.S. Constitution's Fifth Amendment Takings Clause.

In determining a reasonable nexus for each specific type of public facility, DTA will utilize one or more of the methodologies discussed below depending upon the data and other information available from the City and its current infrastructure policies. All the fee methodologies employ the concept of an Equivalent Dwelling Unit ("EDU") to allocate benefit among various land use classes. EDUs are a means of quantifying different land uses in terms of their equivalence to a residential dwelling unit, where equivalence is measured in terms of potential infrastructure use or benefit from each type of public facility. For many types of facilities, EDUs are calculated based on the number of residents or employees generated by each land use class. For other facilities, different measures, such as the number of service calls, quantity of trip miles, or amount of storm water run-off, more accurately represent the benefit provided to each land use class. Transportation facilities typically demand EDU calculations predicated on a per unit or per trip basis. The three types of fee methodologies used by DTA to establish EDUs for a public facility within a typical Arkansas Impact Fee Law-compliant study are based on either an existing Infrastructure Plan, a predetermined capacity amount, or a generic standard.

Plan-Based Fees: The first method of apportioning fees is based on a "Plan," such as a Master Plan of Facilities, that identifies a finite set of improvements. These Facilities Plans generally identify a finite set of facilities needed by the public agency and are developed according to assessments of facilities needs prepared by staff and/or outside consultants and adopted by the public agency's legislative body. With this plan-based approach, specific costs can be projected and assigned to all land uses planned in the future, often with a specific time period in mind that reflects new development projections. In preparing an impact fee analysis, facilities costs can be allocated in proportion to the amount of demand caused by each type of future development. It works well when it is difficult to measure the actual service needed by a land use type or where capacity cannot be directly related to demand. These plan-based fees are typically per unit assessments. This type of plan-based approach is generally preferable to the two other approaches to cost allocation listed below, but it does require the existence of a Facilities Plan, which is not always available.

Capacity-Based Fees: A second method of fee assessment is based on the "capacity" of a service or system, such as a water tank or a sewer plant. This kind of fee is not dependent on a particular Land Use Plan (i.e., amount or intensity), but rather it is based on a rate or cost per unit of capacity that can be applied to any type of development as long as the system has adequate capacity. This type of fee is useful when the costs of the facility or system are unknown at the outset, but it requires that the amount of capacity used by a particular land use type be measurable or estimable. Capacity-based impact fees are assessed based on the demand rate per unit.



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SECTION I PROJECT UNDERSTANDING

Standard-Based Fees: A third method of assessing fees is based on “standards” where costs are based on units of demand. This method establishes a generic unit cost for capacity, which is then applied to each land use per unit of demand. Parks are an excellent example of this type of fee structure. For example, a municipality may find that it currently provides five acres of parkland per thousand residents, which it may then require for all new residential development. Thus, this standard is not based on cost but rather on a standard of service. This methodology provides several advantages, including not needing to know the cost of a specific facility, identifying how much capacity or service is provided by the current system, or having to commit to a specific size of facility.

In preparing its analysis, DTA will apply one or more of these three methodologies to each facility type to generate applicable fee levels. However, the results of our quantitative analysis will be tempered by real-world factors to be at least considered by the City prior to the adoption of revised fee levels.

II PROPOSED SCOPE OF WORK

Work products stemming from the work plan described in this section will include a memorandum (“memo”) detailing the findings and methodologies of the growth analysis, a memo summarizing the fee methodology options, and the Draft and Final Reports.

Task 1 – Development of Project Strategy and Kickoff Meeting

DTA staff will meet with City staff in a project kickoff meeting to finalize the details of the project, deliverables, timetables, and tasks, discuss the fee methodologies and best practices, identify needed information (i.e., reports, project/needs lists, stakeholder groups, data, etc.), prepare the final schedule, discuss the public process, and resolve other concerns, as appropriate.

Task 2 – Develop Population and Dwelling Unit Projections

DTA will compile and document existing and future population, planning, and development estimates for the City. The projections resulting from this task will ultimately calculate fee levels. At this stage, DTA will evaluate City resources, influences, all factors affecting the existing Fee Study, and pertinent impact fee(s) as outlined by the City (including impact fee structuring for complete streets, drainage, parks, and public safety). This task comprises four subtasks.

- 2A **Population Projections:** DTA will gather existing information on present and future population for the City from various sources, including staff, the General Plan, existing Master Plans, the Land Use Plan, the Downtown Redevelopment District Code, the Capital Improvements Plan, the Administrative/Police Facilities Spatial Analysis, the U.S. Census, the Arkansas Department of Finance and Administration, and from other data sources, as needed.
- 2B **Conduct Entitlement Research and Projections:** DTA will coordinate with City staff to determine existing and future residential and non-residential development within the City over the planning horizon. To complete this subtask, DTA will review the General Plan/Capital Improvements Plan and related plans to determine expected development land use patterns in the City, assess City records to identify existing entitlements for dwelling units and commercial/industrial development, and project the number of new dwelling units and commercial/industrial development based on existing entitlements and population projections for the next 20 years, or such other target year as selected by City staff.
- 2C **Review Current City Fee Structure:** DTA shall review and summarize the City’s current development fee structures, City policies and procedures, and other regulatory requirements affecting potential fee structures and revenue program requirements.
- 2D **Review Prior City Fee Justification Studies:** DTA shall review the approach and methodology utilized in prior City fee justification studies so they can be evaluated in light of the City’s current needs.

Task 3 – Review Facility/Capital Needs and Levels of Service

This task entails the review of the facilities and capital needs required to serve new development in the study area projected in Task 2. DTA will use existing City materials (and any relevant reports) as base documents and focus our effort on updating this information.

For any fee program to be comprehensive in its scope, it is necessary to complete a thorough identification and review of all the facilities that will be impacted by additional growth, including those already discussed in the General Plan or Capital Improvements Plan. This task will require close coordination with all appropriate City departments.

- 3A Survey/Interview City Staff:** DTA shall survey/interview City staff to review projected facilities in the City, along with major equipment needs, the timing at which improvements will be needed, and any physical data that would assist in developing the costs estimated below in Subtask 3C. Based upon the results of the surveys and interviews, DTA will verify and, if appropriate, expand the list of new facilities found in the General Plan or Capital Improvements Plan to be included within the fee program for the City.
- 3B Facilities List:** Based on the information collected in Subtask 3A, DTA shall prepare a facilities needs list that details the new facilities and equipment to serve new development in the City.
- 3C Review Cost Estimates:** DTA's engineering and technical staff will, as necessary, consult with City department heads and/or engineering staff or equivalent to ascertain and understand in-house cost data for existing and projected facilities and equipment, review and/or refine existing cost data, examine major sources of revenue to fund the construction of new public facilities, and provide a proportional estimate between projected costs for new facilities and estimated revenue from mitigation fees and other sources.

Task 4 – Develop Methodology for Calculating New Fee Amounts

This task entails developing the methodology used to establish the fee amount for each fee component to the extent appropriate. There are two critical issues that must be considered in developing a fee program. The fee program must generate revenues in a timely manner and the methodology must meet the nexus or benefit requirements of the Arkansas Impact Fee Law. It is critical that any fee established be legally defensible.

DTA's Fee Study methodology must meet the nexus or benefit requirements of the Arkansas Impact Fee Law, which requires that there be a nexus between the fees imposed, use of the fees, and development projects on which the fees are imposed. Furthermore, there must be a relationship between the amount of the fee and cost of the improvements. Implicit in these requirements is a stipulation that a public agency cannot impose a fee to cure existing deficiencies in public facilities or improve public facilities beyond what is required based on the specific impacts of new development. The benefit methodology established in this task will be documented in the Final Report.

DTA will recommend a Fee Expenditure Plan to ensure that projects can be fully funded and implemented within any required time limits for expenditures of such funds and possible flexibility to allow collected fees to be used to provide the City with a match for grant applications. Finally, the memo will include recommendations for methodology and next steps. Upon review and discussion by City staff, a methodology will be selected.

Deliverable: Memo Summarizing the Fee Methodology Options

Task 5 – Determine Fee Levels

This task entails calculating the fee amounts based upon the dwelling unit and commercial/industrial development projections completed in Task 2, facilities needs and costs determined in Task 3, and methodology selected in Task 4.

- 5A **Calculate Recommended Fee Amounts:** DTA shall calculate fees for the City by inputting the data compiled under the preceding tasks and computing each fee to be levied. This work will be done in a spreadsheet format that can be updated annually. **DTA will also evaluate this data in comparison to surrounding and comparable cities so as to arrive at comparable and acceptable fee levels.**
- 5B **Document Fee Derivation:** DTA shall document the methodology utilized for the fee calculation model that can be understood by the City and public. DTA shall prepare written statements documenting the validity of the methodology for deriving each of the fees for the City. These statements will be made to meet the requirements of the Arkansas Impact Fee Law and documented in the Final Report discussed below.

Task 6 – Prepare Draft and Final Reports

This task entails the preparation of the Draft and Final Reports for consideration by the City Council and City staff.

- 6A Based on the work completed in Tasks 1-5, DTA will prepare the Draft Report for review and consideration by City staff. The Draft Report will be prepared under the standards of the Arkansas Impact Fee Law and is expected to include an executive summary, population projections, a facilities and improvements list, areas of benefit (if applicable), fee calculations, recommended fee levels, and the suggested process for keeping fees current. The report shall also contain full fee schedule tables showing input data and interim calculation results, as well as abbreviated fee schedule tables.
- 6B **Prepare Final Report:** Based on the incorporation of City staff comments on the Draft Report, DTA will prepare the Final Report for presentation to the City Council and City staff.

Deliverables: Draft and Final Reports

Task 7 – Outline Tasks Required for the Implementation and Administration of the Fee Program

DTA will prepare a list of tasks required of the City once they have adopted their new fee program. These tasks include the determination of actual fee levels if the City decides not to impose the maximum fee levels allowed under the Fee Study, the implementation of the fee credit program, and other issues the City may face when carrying out the fee program. In addition, DTA shall prepare a Draft Ordinance to adopt the fee program, subject to review and approval by the City's legal counsel.

Deliverable: Draft Ordinance

Task 8 – Attend Up to Three (3) Additional In-Person Meetings, Plus Regular Virtual Meetings for Bi-Weekly Updates

This task entails attendance at a total of four (4) in-person meetings/workshops, including the kickoff meeting, with City staff, Advisory Committee, focus groups, stakeholders, and the City Council to present information regarding the status of the impact fee program update, draft study, and Final Report to obtain input. DTA will also be prepared to lead meetings and workshops with selected groups to gain better project understanding, gauge community sentiment, and determine the key objectives. During these meetings, DTA will consider community and stakeholder input. For this purpose, DTA will develop handouts for these meetings that summarize the findings and analysis from the Public Review Draft. DTA staff shall also schedule standing conference calls (i.e., weekly or bi-weekly) with City staff to stay on track with tasks and deliverables, to the extent allowable under the proposed maximum budget.

III PROJECT TIMELINE

DTA’s typical schedule of tasks for a DIF program/Fee Study is outlined below. Given the City’s desired project timeline, this timeline of events can and will be completed within the proposed time frame according to the City’s specifications. **Notably, the firm shall provide ongoing communication, education, and outreach throughout the duration of the project. DTA is able to begin work with minimal notice.**

Table 1: Proposed Schedule

Task	Description	Weeks 1 to 5	Weeks 6 to 9	Weeks 10 to 13	Weeks 14 to 18	Weeks 19 to 22	Weeks 23 to 25	Week 26
1	Development of Project Strategy and Kickoff Meeting	█						
2	Develop Population and Demographic Projections	█	█	█				
3	Review Facility/Capital Needs and Levels of Service	█	█	█	█			
4	Develop Methodology for Calculating New Fee Amounts		█	█	█			
5	Determine Fee Levels and Generate Cash Flow Analysis			█	█	█		
6	Prepare Draft and Final Reports				█	█	█	█
7	Outline Tasks Required for the Implementation and Administration of the Fee Program, Including the Preparation of a Draft Ordinance				█	█	█	█
8	Attend Three (3) Additional In-Person Meetings, Plus Regular Virtual Meetings for Bi-Weekly Updates		█	█	█	█	█	█
Ongoing	Communication, Education, and Outreach of Project	█	█	█	█	█	█	█



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IV COST PROPOSAL

Fees for services shall be charged on an hourly basis according to the rates set forth in the **fee schedule** below, with invoices being submitted to the City monthly. The estimated fee for services is not to exceed **\$59,000** for the Fee Study, including out-of-pocket expenses, plus an additional **\$5,000** as a contingency to cover additional tasks, as approved by the City’s Project Manager¹. Further work at that point would require additional fees. Fees for services shall be charged according to the professional services fee schedule identified in Table 2.

Table 2: DTA’s Fee Schedule

Labor Category	Labor Rate
President/Managing Director	\$300/Hour
Senior Vice President	\$275/Hour
Vice President	\$250/Hour
Senior Manager	\$210/Hour
Manager	\$200/Hour
Senior Associate	\$190/Hour
Associate III	\$175/Hour
Associate II	\$165/Hour
Associate I	\$150/Hour
Research Associate II	\$140/Hour
Research Associate I	\$125/Hour

Additional in-person meetings [more than the four (4) in-person meetings specified in the Scope of Work, including the kickoff meeting] shall be billed on a time and materials basis. Only the hours expended shall be billed. **DTA staff shall also schedule standing conference calls (i.e., weekly or bi-weekly) with City staff to stay on track with tasks and deliverables, to the extent allowable under the proposed maximum budget.**

Out-of-pocket and administrative expenses are enclosed in the proposed maximum budget and shall be equal to 3% of DTA’s billings for labor, plus travel expenses and any outside vendor payments. All hourly rates for services apply through December 31, 2025, and are subject to a cost-of-living increase. On or about the first two weeks of each month during which consulting services are rendered hereunder, DTA shall present to the City an invoice covering the current consulting services performed pursuant to this Notice of Authorization. Invoices shall be paid by the City within 30 days of the date of each invoice. A 1.2% charge may be imposed monthly against accounts that are not paid within 45 days of the date of each invoice. The prevailing party in any legal action brought by one party against the other and arising out of this Consultant Agreement shall be entitled, in addition to any other rights and remedies it may have, to reimbursement for its expenses, including court costs and reasonable attorneys’ fees.

¹ Any use of the contingency line item will have to be approved (prior to added work) by the City’s Project Manager, so that the City can better track any additional tasks assigned to DTA by the City.

A Information to be Provided by the City

DTA requests that the following information be provided by the City at no charge and in a timely manner such that the project does not extend beyond 6 months from the date of authorization to proceed:

- Identification of offsetting revenue sources to fully understand financing options;
- The City's General Plan, any Specific/Master Plans, Development Agreements, and data regarding existing entitlements;
- To the extent available, detailed description of the proposed public facilities, including the facility name and number of square feet, acres, etc. (as applicable for each type of facility);
- Inventory of completed facilities within the City, including type, size, and location of facility;
- Cost estimates for proposed facilities (DTA anticipates that the City's cost data and estimates will be reviewed by DTA staff and discussed with City staff);
- Existing City Fee Ordinances and/or Resolutions, as applicable; and
- Identification of any committed revenue sources pledged to fund proposed facilities.

B Disclaimer

While DTA has a fiduciary responsibility as a licensed Municipal Advisor, DTA is not, unless otherwise stipulated, acting as the City's Municipal Advisor. The services discussed herein do not constitute any financial advice or fall under the category of municipal advisory services as defined by the SEC.

C Limitations

Additional work requested by the City beyond the tasks identified within the Scope of Work shall be considered out of scope and will be billed on a time and materials basis at the hourly rates identified in Table 2. The labor costs in the table above include attendance at a total of four (4) in-person meetings, including the kickoff meeting, with City staff, community groups, stakeholders, and the City Council. Attendance at more than four (4) in-person meetings, detailed written responses to resolve disputes, or the preparation of more than one set of major revisions to the Draft Impact Fee Methodology Report will be classified as additional work and may require further billing at the hourly rates identified in Table 2 if the maximum fee level has been exceeded.

Other examples of additional work shall include:

- Additional analyses based on revised assumptions requested by the City, including possible changes in the facilities needs list, infrastructure costs, population projections, and related data once the preparation of the Draft Impact Fee Methodology Report has been initiated, as well as adjustments to assumptions once the Draft Impact Fee Methodology Report has been approved;
- Negotiations with stakeholders once the Final Impact Fee Methodology Report has been prepared;
- Time expended related to obtaining data assigned to the City under "Information to be Provided by the City";
- Actual implementation of the fee program;



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SECTION IV COST PROPOSAL

- Any work related to litigation or any claim or liability arising out of or incident to the April 12, 2024, U.S. Supreme Court decision in *Sheetz vs. County of El Dorado* asking the California courts to reevaluate impact fees adopted under the California Mitigation Act to ensure they do not violate the U.S. Constitution's Fifth Amendment Takings Clause, including but not limited to expert witness services; and
- Reproduction of more than five bound copies of the Final Impact Fee Methodology Report.

The maximum fees listed above assume the review and implementation of the fee program with a schedule between the initiation of services and public outreach that is within the proposed time frame according to the City's specifications.



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