



AGENDA

Red Tape Ad Hoc Committee

Tuesday, May 17, 2022

9:00 a.m.

VIRTUAL MEETING

City of Aurora, Colorado

15151 E Alameda Parkway

Council Member Dustin Zvonek - Chair

Mayor Pro-Tem Francoise Bergan

Council Member Curtis Gardner

Council Member Juan Marcano

Council Member Danielle Jurinsky

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Pages

1. **Call to Order**

2. **Adoption of the Agenda**

3. **Approval of Minutes**

3.a. **April 20, 2022 Meeting Minutes**

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4. **Issue Discussion**

4.a. **Resolutions Addressing Development Review Process**

Laura Perry, Deputy City Manager / Jason Batchelor, Deputy City Manager

4.b. **Additional Red Tape Reduction Topics**

4.b.1. **Resolutions Addressing Licensing Items**

Trevor Vaughn, Manager of Tax and Licensing

4.b.2. Resolutions Addressing Tax Items

Jeffrey Edwards, Audit Supervisor

4.b.3. Resolutions Addressing Library Items

Midori Clark, Director of Library and Cultural Services

4.b.4. Resolutions Addressing Water Billing Items

Marshall Brown, General Manager of Water

4.b.5. Other Non-Red Tape Issues

5. Housekeeping

5.a. Next Meeting: June 16, 2022 at 12:00 p.m.

6. Adjournment

RED TAPE REDUCTION COMMITTEE

April 20, 2022

Members Present: Council Member Zvonek – Chair, Mayor Pro Tem Bergan, Council Member Marcano

Others present: T. Joyce, R. Rodriguez, R. Harms, H. Johansen, A. Giles, C. Campuzano, G. Hays, L. Artz, G. Baker, J. Spehalski, P. Varney, D. Galasso, M. Cullen, A. Botham, R. Venegas, L. Rosales, K. Stuart, M. Sobey, G. Babbitt, S. Nichols, D. Bickmire, B. Gaiser, S. Wile, J. Rustad, H. Hernandez

1. CALL TO ORDER

Meeting was called to order by Council Member (CM) Zvonek.

2. APPROVAL OF APRIL AGENDA

Motion by Gardner, second by CM Jurinsky to approve April Agenda.

April Agenda was approved with no objections.

3. APPROVAL OF MARCH MINUTES

March 17, 2022 minutes were approved with no objections.

4. REGISTERED SPEAKERS

Summary of Issue and Discussion: The Committee heard speakers that discussed their experiences with taxes and fees, rules and regulations, and city processes while working with the city. The speakers gave their feedback on areas that the city can work on and discussed their suggestions for problem-solving.

- Morgan Cullen

Morgan Cullen spoke on behalf of the Home Builders Association (HBA) in Metro Denver. The HBA organized a meeting in February to discuss challenges experienced in getting new homes in Aurora. All active builders highlighted the need to streamline the planning and review process, provide consistency in the application of rules and guidelines, and create uniformity of design standards. The HBA wrote a letter sent a letter last April 11th discussing recommendations, suggestions, and possible solutions. The HBA views the implementation of a viable third-party contracting program as a viable option regarding planning review and inspections. Based on a

meeting with municipal staff, the city already has the authority to contract and retain additional third-party staff with no additional action needed from the city council.

Mayor Pro Tem Bergan asked if streamlining the processes and timelines was the dominant feedback received from members of the HBA. M. Cullen confirmed this and stated that they tried to address their concerns in the letter.

- Dan Galasso

Dan Galasso, a member of the HBA, discussed concerns regarding the changes to stormwater control, specifically the 40-acre rule. This rule was originally intended for the Cherry Creek Basin but has since been applied to the whole of Aurora. This then requires additional sediment basins added to plans. \$1.8 million is the estimated sediment basin costs which include digging the sediment basins and adding PVC pipes. This quote only applies to Taylor Morrison, Tripoint, a portion of Bridgewater, and some district roads. The costs could exponentially grow up to \$4 million leading to not only an affordability issue but also a constructability issue. Sediment basins cannot be filled in until the roads are paved. Some are 8 to 9 feet deep and go underneath the house. They would then not be able to complete the over ex until the sediment basins are filled in causing delays in getting dry utilities and issues with hauling dirt.

Mayor Pro Tem Bergan asked if the rule was from Cherry Creek Basin Water Authority and not because of Mile High Flood District. D. Galasso said that the original rule is for Cherry Creek Basin. Mayor Pro Tem Bergan said that there is a similar issue with Mile High Flood District and the board is meeting with Marshall Brown to find out what they can do to help developers. Dan said that these two issues might be connected. Dan spoke to an engineer who worked at Aurora Highlands and was told that the rule was due to the Cherry Creek Basin.

- Layla Rosales

Layla Rosales, a Planner Landscape Architect from Terracina Designs, spoke about the process of getting entitlements. Concerns of the development community are mostly about the process timing delays. Currently, there is an 8-week wait to get a pre-application meeting. This is the start of the pre-application process which is great for those that do not yet understand the rules of Aurora. It is suggested that they do away with this for developers that have already had several projects within the city. Doing this would also lessen the things that staff has to do, and staff is generally in agreement with the suggestion. Layla also suggested simplifying the process for standard single-family lots given the amount of survey, utility, and grading sheets required. The site plan is an extensive document that has repeat information for construction plans. There are municipalities that do not require a process to be undergone for standard single-family lots. It is suggested to review the items that were frequently asked for waivers or variances on, such as the 2-term rule, and amend them in the UDO. It was suggested to create new names for streets to aid in wayfinding. It is also a concern that there is a lack of coordination between departments resulting in conflicting comments.

CM Marcano asked Layla what workarounds could be suggested. L. Rosales stated that Denver has a specific grid. Eire has a list of names and developers can make up their own names. CM Marcano asked if they have experienced a federal issue or a postal service issue regarding this. Layla said no and pointed to Erie as an example where streets cannot have the same name.

- James Spehalski

James Spehalski is a land developer working on the Harmony Masterplan, Cottonwood Creek Master Plan, and a 42-acre mixed-use commercial center. It was reported that the entitlement process is lengthy, with all steps beginning with a pre-application meeting. The goal of the developer is to identify what the public wants and what can be an asset to the city of Aurora. However, the entitlement process when from 1 or 2 years to many years for processing. This may be attributed to COVID with people working from home. But the big challenge is receiving incomplete staff comments which come in weeks late that eventually delay the review process. Conflicting comments were received between reviewers leading to inconsistency throughout the process. There was a project at the Southwest Corner of Gun Club which had an approved original zoning document 12 months after submission. The master drainage plan submitted with the submittal of the zoning document took 3 years and 4 months to get approved. It is emphasized that the process must have predictability, accountability, and communication.

CM Zvonek asked for James' ideas on how to improve the process. J. Spehalski suggested having upper management involved in the pre-application meetings earlier in the process for them to provide all the comments on the projects earlier. He also suggested improving communication between staff members to reduce conflicting comments. James pointed out that they want to be able to complete the process with fewer submittals to save on time. CM Zvonek mentioned that staff will develop a combination of resolutions and ordinances to address these. He said that if there are more concerns not included in the HBA, James can send them through email to be considered. James mentioned that he just wants the Committee to hear their input but not to waive all processes. Mayor Pro Tem Bergan asked why the master drainage submittal took so long despite being submitted along with the original application. J. Spehalski mentioned that the process was also affected by COVID and there were challenges with interpreting comments and governance issues with the city and Mile High. CM Marcano reiterated that James could send his comments to the Committee to aid in creating the changes to the city's processes.

- Rachel Harms and Lyle Artz

Lyle Artz, the site manager for the Fitzsimons Redevelopment Authority, discussed significant delays in the process. In subsequent reviews, different comments were received from different reviewers that were not on the previous submittals. They also experienced uploading problems. He stressed that the timelines for the review process have been longer than ever as he has been working with the city for over 20 years.

Rachel Harms, owner representation and construction manager for the Fitzsimons Innovation Community, discusses issues experienced in the entitlement process. They experienced a 6-month project delay on a supposed 6-month project, which is the Bioscience 5 Building, due to a

reviewer requesting the building get tied to roadways despite being from separate drawing packages, design teams, and owners. In addition to this, their building has been approved since April 2021 and was only able to start construction in late February 2022. This delay cost them \$800,000 in construction costs and have lost tenant opportunities to fill the building. They received comments regarding a traffic circle, out-of-turn lanes, and on their drainage report review while they were already long into the review process. The actual civil CD packages were also delayed for 6 weeks to be submitted.

Designers of the project ran into countless uploading issues on Amanda. Reviewers were responsive; however, they also cannot get Amanda working on their side. They got a comment on roadway lighting not being sufficient despite the Fitzsimons and metro district having approved street and headlights. It was reiterated that the issues and delays were due to inconsistency with the reviews and not being provided information on components needed in construction ahead of time.

Mayor Pro Tem Bergan asked if there is any flexibility when dealing with comments from reviewers. Rachel mentioned that they reached out to the city members and reviewers and heard back quickly and were given assistance. However, it took a long time for them to give their case and ask why the traffic circle is suddenly needed. Eventually, they incorporated the traffic circle into their drawings. For the turn lanes, they communicated and worked out that those were not ever required. She stressed that the communication is open, but it was a process to get back to each other. Mayor Pro Tem Bergan asked if Rachel felt like there was a give and take in working with the city or if they are more stringent in the rules. Rachel mentioned that there has been flexibility and the reviewers were open to hearing their case.

- Geoff Babbitt

Geoff Babbitt highlighted the issues he experienced when working with the city. Communication is lacking significantly among departments. He suggested having an option for in-person meetings with city staff and different departments, assuming health and safety would not be compromised. Currently, there is an issue with layering documents. Developers are required to provide master plans that include master drainage, traffic, and utility studies, and public improvement plans. This will then be done for every site and reports must tie into the master plan. Should conflicts arise, they would have to amend the master traffic study and the master plan which would then require reviews from the planning commission and city council. Geoff stressed that all documents done at the master level can be handled at that level. He added that the infrastructure site plan (ISP) shows the roads they want to build. Once this is accomplished, they are required to have civil construction documents that have the same set of information. He suggested eliminating some documents to help streamline the process.

- Steve Nichols

Steve mentioned that in-person meetings would lead to great productivity but is understandable that they are not possible due to the conditions with COVID. There have been instances wherein they call staff to discuss issues and they hear a voicemail that instructs them to send an email

because the voicemail is not being monitored. This then snowballs into an email chain and could take weeks to set up a meeting. There are also concerns regarding interdepartmental communication wherein comments are not aligned. They also have projects with multiple stakeholders such as PROS, Mile High Flood District, and Arapahoe County and it is hard to get a clear direction of accountability decision making. He asked how it would be possible to collaboratively work with all stakeholders on any issues that may come up.

CM Zvonek said that his concern would be brought up with staff. He mentioned that there are third-party partners and other entities engaged in the developmental process, and they make be influencing it in a significant way. He added that they have to determine if the city has any leverage with them to not drag out the process. Mayor Pro Tem Bergan said that she also experienced the issue with the voicemail and being required to send an email. She added that she thinks this has been resolved and she had conversations regarding this with the new deputy city manager, the public works department, and water.

- Rose Rodriguez

Rose Rodriguez talked about the problems regarding the Temporary Certificate of Occupancy (TCO) and Certificate of Occupancy (CO) permit processes. The TCO may be granted when there is an exception to the process that is not a life-safety concern. Currently, a TCO is required for standard landscaping. From October to April, they cannot install materials due to overall cold temperatures. They also have to lay down erosion control. A non-refundable fee of \$200 and refundable deposit of \$650 are needed to gain a TCO. Many cities across Colorado, however, do not require a TCO for landscaping. Denver charges \$200 but does not charge a deposit. In Aurora, there is also a cutoff date for the landscaping installation at the end of May or early June. They then have the time from April to the deadline to complete the landscaping and have to fight other builders for trade partners due to the short time period allotted. This also causes them to rush getting their sites landscaped and creates backlogs. If the landscaper does not perform within the deadline, the deposit is forfeited. Developers are also not aware of where the funds go. In a meeting with staff, the funds are absorbed. Rose suggested more transparency in this. In addition, there are not enough inspectors to make it to all sights. Some inspectors that are needed for life-safety issues are being diverted to work on signing off landscaping installations. Rose suggested looking at the deadline and forfeiture of the deposit and supporting the permitting and inspections team.

Mayor Pro Tem Bergan stated that they want to make the process smoother. CM Marcano asked if they have been given a rationale as to why a TCO is required for landscaping. Rose said they have not. She thinks that they may want to look at the cost of the personnel to manage the process. But in many cities, that cost is just included in the cost of doing business. In other places, they hold the money in a bond, and they get the full amount back once they completed the work. In some, lenders will require to put landscape dollars in escrow so there is a safety net for customers. CM Marcano said that he likes the idea of the bond and escrow to ensure performance happens and things are up to standard.

- Margie Sobey

Margie Sobey from Murphy Creek highlighted that the issues being faced by home builders are also experienced by homeowners. On applications, referral notices, and or public hearing notices, consistency and predictability are not always present. She has sent emails to the planning department on suggestions to change the forms and user interface. Margie stated that delays in applications and city processes appear to be on the developer side, rather than the city side. She noticed that the city would let the developer know what are needed to comply with the UDO, but the developer chooses to do otherwise. She shared that an application for development in her neighborhood did not want to conform with the MH Flood District recommendations but would rather build the drainage to lesser standards. Margie also stated that with homebuilders paying development fees, the planning department may feel that they have no choice but to approve development to keep their jobs. She said that developers are viewed as customers and that most of the development processes are geared towards their desires. She stated that she hopes that the results of the committee will be applied appropriately and that they might be applied differently towards small businesses versus large homebuilders. Margie noted a small business that had a nightmarish experience with moving her salon to another location. She stressed that small businesses and homebuilders are not created equally and that rules and regulations for both should not be the same.

CM Zvonek noted that the committee is intended for all types of businesses to air the challenges that they have encountered. He mentioned that the individual could reach out to the committee via email as well. Margie said that she let the business owner know about the committee, but she doesn't know if they have submitted input. CM Zvonek said that he did not recall hearing that comment through Engage Aurora. G. Hays said that he received comments in the chat that may or may not be related.

Outcome

Information only.

Follow-up Action

No follow-up needed.

5. ENGAGE AURORA COMMENTS

Summary of Issue and Discussion

Greg Hays read through comments and suggested solutions on the Engage Aurora platform and the chat discussing feedback on city processes, approved plans being changed, and defining standards.

Outcome

Information only.

Follow-up Action

No follow-up needed.

6. DEVELOPMENT REVIEW

Summary of Issue and Discussion

CM Zvonek discussed the next steps for the Red Tape Reduction Committee. They will take feedback from Engage Aurora and the public testimony to start drafting a series of resolutions and ordinances and create a document showing how solutions are being identified. He mentioned that they could create resolutions addressing the three buckets: rules and regulations, taxes and fees, and city processes. The ordinances would be separate as they are to be applied to the city code.

The Ad Hoc Committee will then be shelved and retired once the work is accomplished. Updates on the progress made towards improvements will be presented to the PED Committee. In the May meeting, staff will come back and discuss what they are already doing so that the Committee can see the gaps and put forth resolutions and ordinances accordingly. They could already start drafting resolutions and ordinances before the May meeting.

Committee Discussion

CM Marcano mentioned that most of what was given feedback would not require an ordinance or a resolution, but administrative changes on the staff side. He mentioned that he has also reached out to people that gave feedback for follow-ups and are setting meetings to discuss those with the new planning director. He asked G. Hays if the fee schedules need to be signed off by Council. Roberto Venegas said that it is part of the budget adoption process. G. Hays said that the fees or external charges are part of the process under the city manager. This will be given to the M&F Committee and then to Council during the budget process on the Saturday workshop. CM Marcano confirmed that it was the M&F Committee that reminded him of this. He mentioned that he did not remember if they took any formal action. G. Hays mentioned that the committee approved it to go to the Saturday workshop.

Mayor Pro Tem Bergan mentioned that they had a workshop on impact fees where they made changes. G. Hays clarified that there are specific pieces on the fees. They went to the council in 2019 to adjust capital impact fees except for transportation. Mayor Pro Tem Bergan said that she wants to see a comprehensive spreadsheet of what fees are charged per stage of development. G. Hays said that he will note this request.

Mayor Pro Tem Bergan suggested that staff can give an update on the improvements they have already put in place and send it by email before the meeting. CM Zvonek said they could just not include those in the resolutions that they are helping to draft. He added that they are already starting a potential resolution on the 3-strikes rule. He mentioned that they will present potential solutions that are put into working documents to be reviewed in the May meeting. These will eventually be taken to the next Study Session. Mayor Pro Tem Bergan asked if they are not getting a synopsis from staff on the themes of issues presented in the public hearings. CM Zvonek said that that document already exists. G. Hays mentioned that they are already keeping

track of it on a spreadsheet and will update it with the information gathered in this meeting. He said that CM Zvonek has a copy of this and will be sent out to other Committee members once it has been updated. CM Zvonek said that they have a month to start formulating ideas and working with staff. He mentioned that he has already sent out ideas that he had, and he doesn't see why they couldn't at least have draft resolutions ready for the next meeting. Mayor Pro Tem Bergan said that staff will then discuss at the May meeting if the ideas for improvements are already in progress or completely set up. CM Marcano highlighted that he doesn't want to make resolutions on what staff is already doing. He said that there might be code changes to come as a result of this.

Mayor Pro Tem Bergan asked for an update on the change from Amanda to Accela. G. Hays said it's the other way around and added that they can provide an update. Mayor Pro Tem Bergan said that she asked at the last PED meeting regarding this and issues in the planning development process regarding uploading. G. Hays said that he will forward this to the right parties and will get a response back to Mayor Pro Tem Bergan.

Outcome

Information only.

Follow-up Action

Staff will provide a document to Mayor Pro Tem Bergan on the fees charged per stage of development.

7. STAFF INITIATED IDEAS

Summary of Issue and Discussion

Roberto Venegas introduced ideas that are development review and non-development review related to address the issues that have been brought forward to the Committee. These will be brought back to the May meeting for further consideration.

Staff is looking to remove annual licensing fees for amusement devices or slot machines and move them into regulatory fees. The city currently charges \$35 for the annual licensing fees to 7 licensed vendors that have 600 to 700 licensed amusement device machines. Staff is also considering removing the prohibition on ice cream truck and ice cream carts that was created due to noise nuisance. They are also planning to remove required restrictions for liquor stores, pawnshops, and tobacco businesses. Liquor stores are currently required to be 2,000 feet apart from each other but are only required 1,500 feet by the state. There are also distance requirements from schools that have been removed in other jurisdictions which have already been removed for those with restaurant, beverage, and hospitality licenses. There have been talks about revising distance requirements for liquor stores.

Staff is planning to revamp the water bill payment process wherein if the bill is paid for through a credit card, the city absorbs a percentage of the amount paid. One consideration is to spread the online fee in small increments and have customers pay for convenience. This will help reduce the

potential rate increases because the city is absorbing the online fees and credit card fees. They are also looking and putting up kiosks to allow people to pay their bills without using credit cards. However, this will have costs for infrastructure but will provide more accessibility and convenience for the consumer.

The city currently has 2,000 one-employee businesses and 1,000 two-employee businesses that are charged occupational privilege tax (OPT). Staff is looking to waive this fee for these small one- to two-person businesses. Tax and Licensing looked into those impacts and stated that it would be a small impact on a significant number of businesses. Staff is also looking into providing a fine-free Aurora Public Library System. They plan to do away with charging fines for overdue books, just as Denver and Arapahoe have done. Staff has conducted research that showed that when people start accruing fines, they stop going to the library altogether.

The clerk's office and the Office of Development Assistance are reaching out to the counties on the Mylar signature and recreation protocols and turning it into a more electronic process. The city clerk's office plans to implement a software package that would be more efficient and transparent in campaign finance reporting. This will also help residents access those records more easily.

Staff is also looking into including a review of the PROS development-related fee structures. For marijuana enforcement, rules and regulations have been reduced from 42 to 16 pages. Video storage requirements have been reduced from 60 to 40 days to match state regulations. Fire has also looked into improving fire alarm systems. For Records, they are looking to enhance the process of Next Request to make the records request process more efficient.

Committee Discussion

CM Zvonek asked if they are looking to revise distance requirements between liquor stores. R. Venegas confirmed that this is for the liquor store to liquor store distance. Mayor Pro Tem Bergan asked if this is not for the distance from a school. R. Venegas explained that there already is a 500 feet restriction for liquor licenses from schools. This restriction has been removed for restaurant, lodging, and entertainment licenses. Denver, however, eliminated the restriction for liquor stores and bars.

Mayor Pro Tem Bergan mentioned that if they will charge the fee, Water should keep those in a separate account to be used to offset expenses. R. Venegas said that he will provide that feedback to Water and added that it will be easy to track through processing software. CM Marcano asked if there is a setup wherein you would not be charged a fee if you pay via a checking account rather than a credit card. R. Venegas said that they have ACH payments which are 0.30 cents per transaction. These are more cost-effective to absorb. He added that there are more options for people such as through grocery stores or Western Union. CM Marcano clarified that they are not the ones charging the fees and it is their service. He suggested switching service providers and mentioned that he is surprised that they charge for checks. R. Venegas said that they will explore more payment options but they do not have the ability to impact the fees because that is their business model. He mentioned that he will circle back with water and find out.

Mayor Pro Tem Bergan stressed that they should still fine people for stealing books. R. Venegas clarified that removing the fine would encourage people to return the books because having fines disincentivizes people to return the books once they accrue large fines. CM Zvonek and CM Marcano mentioned that the current process for campaign finance reporting is clunky.

CM Zvonek stated that he is looking forward to removing the prohibition on ice cream trucks. Mayor Pro Tem Bergan said that they go through her neighborhood. CM Marcano said that he has not heard them and thought that they were just no longer used.

CM Zvonek stated that with what has been presented, they can discuss in the next committee meeting what they want and don't want to be moved forward to the study session and full council. He requested an overall red tape report highlighting what the city has been working on to reduce red tape even prior to the Committee. He also suggested talking with third-party partners given that some are causing delays and challenges in doing business in the city. He asked if they have any leverage with them regarding this. Mayor Pro Tem Bergan mentioned that there is fuzziness with the Mile High Flood District regarding an actual requirement versus a desire. She asked Water to provide talking points at the next board meeting. She mentioned that she had a meeting with Xcel regarding traffic signals and they went through red tape as well. They have been communicating with the Public Works Department to streamline the processes. CM Marcano said that it would be helpful to have a roadmap of the interagency bureaucracy to be included in pre-submittal meetings and provided to new developers and seasoned clients working with the city.

CM Zvonek asked Greg Hays to send a synopsis and the staff recommendations to the full Committee. He encouraged other committee members to send their suggestions to staff to provide solutions for the issues that have been brought forward.

Outcome

Information only.

Follow-up Action

Staff will move forward with the suggestions made for the next Red Tape Reduction Committee meeting regarding the suggested resolutions and ordinances, overall red tape report, and conversations with third-party partners. Staff will provide the synopsis and include all staff recommendations that have been outlined.

8. HOUSEKEEPING

CM Zvonek mentioned that he wanted Kim Stuart's input on the May meeting regarding a communication plan for the residents and the business community. He also requested that they put together a final report for the committee. K. Stuart agreed to this and stated that they will add details on the process of the committee, the outcomes, and the actions and changes that will result from it. They will directly communicate with the impacted audiences and the community at large.

Next meeting scheduled for Tuesday, May 10, 2022 at 10:00 a.m.

THESE MINUTES WERE APPROVED AS SUBMITTED

Council Member Zvonek

Date