



# NOTICE OF COUNCIL MEETING

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## TELECONFERENCE/ELECTRONIC PARTICIPATION PROCEDURES

*Members of the Aurora City Council will participate in the December 6, 2021 Regular Meeting by teleconference due to concerns surrounding the COVID-19 (coronavirus) outbreak. To keep the members of our community, employees and leaders safe, there will be no public presence at the meeting. Members of the public and media will be able to participate remotely through the options listed below:*

### **View or listen live**

Live streamed at [www.auroraTV.org](http://www.auroraTV.org)

Cable Channels 8 and 880 in Aurora

Call: 855.695.3475

### **Provide comment during Public Invited to Be Heard, or to speak on a specific agenda item on the regular agenda**

- Call the live public comment line at 855.695.3475 and once connected press \*3 to reach the operator.
- The operator will ask which item the caller would like to speak on and place you in the queue for that item.
- The public comment call-in line will open at 6:00 p.m. the day of the Council Meeting.

### **Public Comment Call-In Deadlines**

- Public Invited to Be Heard is at 6:30 p.m. Callers wishing to speak during the Public Invited to be Heard portion of the agenda must call in and be in the queue by 6:30 p.m.
- Comment on specific agenda items and public hearings must call in after 6:00pm and before the City Clerk reads the title of the item they wish to speak on. Once the Clerk reads the title, no additional calls for that item will be accepted.

### **Translation/Accessibility**

The City will provide closed captioning services on Cable Channels 8 and 880. If you need any other accommodation, please contact the Office of the City Clerk. If you are in need of an interpreter, please contact the Office of International and Immigrant Affairs at 303-739-7521 by Monday, December 6, 2021 at 9:00 a.m. (Si necesita un intérprete, comuníquese con la oficina de asuntos internacionales e inmigrantes en 303-739-7521 por el viernes anterior a la reunión del lunes.)



City of Aurora, Colorado  
MONDAY, December 6, 2021

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**REGULAR MEETING OF THE AURORA CITY COUNCIL**

(Open to the Public)  
TELECONFERENCE  
6:30 p.m.



## AGENDA

### Regular Meeting of the Aurora City Council

Monday, December 6, 2021

6:30 p.m.

City Council Chambers

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#### Pages

1. CALL TO ORDER
2. ROLL CALL
3. INVOCATION/MOMENT OF SILENCE
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF MINUTES
  - 5.a. November 8, 2021 Meeting Minutes 5
  - 5.b. November 22, 2021 Meeting Minutes 24
6. CEREMONY FOR OUTGOING COUNCIL MEMBERS
  - Council Member Marsha Berzins
  - Council Member Dave Gruber
  - Council Member Allison Hiltz
  - Council Member Nicole Johnston
7. ADJOURNMENT - SINE DIE

**8. ANNOUNCEMENT OF ELECTION RESULTS**

- Council Member Ward I - Crystal Murillo
- Council Member Ward II - Steve Sundberg
- Council Member Ward III - Rubin Medina
- Council Member At-Large - Danielle Jurinsky
- Council Member At-Large - Dustin Zvonek

Kadee Rodriguez, City Clerk

**9. OATH OF OFFICE**

Swearing in and presentation of election certificates to newly elected and re-elected Council Members.

Presiding Judge Shawn Day

**10. CONVENE COUNCIL MEETING****11. ROLL CALL****12. PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

**13. ADOPTION OF THE AGENDA****14. CONSENT CALENDAR**

*This portion of the agenda is a meeting management tool to allow the City Council to handle several routine items with one action. Any member of the Council may request an item to be removed from the Consent Calendar and considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Consent Calendar*

**15. RESOLUTIONS****16. PUBLIC HEARING WITH RELATED ORDINANCE****17. PUBLIC HEARING WITHOUT RELATED ORDINANCE****18. INTRODUCTION OF ORDINANCES**

## **19. FINALIZING OF ORDINANCES**

Ordinances on final reading which were introduced by unanimous vote of those present on the first reading may be taken under consideration and voted upon as a single item. Related ordinances may be acted upon as one item after the titles are read in series by the City Clerk. Any member of the Council may request an item to be considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Finalizing of Ordinances.

### **19.a. 2021 International Building Code Adoption**

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**2021-65** FOR AN ORDINANCE AMENDING CHAPTER 22 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, REGARDING BUILDING AND BUILDING REGULATIONS, AND THE ADOPTION BY REFERENCE OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL EXISTING BUILDING CODE, AND THE INTERNATIONAL SWIMMING POOL AND SPA CODE

Jose Rodriguez, Building Plan Review Manager / Michelle Gardner, Sr.  
Assistant Attorney

### **19.b. 2021 International Fire Code Adoption**

100

**2021-66** FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 66 OF THE CITY CODE ENTITLED “FIRE PREVENTION AND PROTECTION” RELATED TO THE ADOPTION OF THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE AND LOCAL AMENDMENTS THERETO

Deputy Chief Caine G. Hills / Angela Garcia, Senior Assistant City Attorney

## **20. PLANNING MATTERS**

## **21. ANNEXATIONS**

## **22. RECONSIDERATIONS AND CALL UPS**

## **23. GENERAL BUSINESS**

### **23.a. Consideration to Elect the Mayor Pro Tem for a One Year Term**

135

Kadee Rodriguez, City Clerk

**24. REPORTS**

**24.a. Report by the Mayor**

**24.b. Reports by the Council**

**25. PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

**26. ADJOURNMENT**

DRAFT

## MINUTES

### Regular Meeting of the Aurora City Council

Monday, November 8, 2021

1. **RECONVENE REGULAR MEETING OF NOVEMBER 8, 2021, CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council for November 8, 2021, at 6:30 p.m.

2. **ROLL CALL** – Kadee Rodriguez, City Clerk

COUNCIL MEMBERS PRESENT: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marciano, Murillo

Call-in instructions were provided in both English and Spanish.

3. **INVOCATION/MOMENT OF SILENCE** – Mike Coffman, Mayor

4. **PLEDGE OF ALLEGIANCE** (all standing)

5. **EXECUTIVE SESSION UPDATE**

Mayor Coffman stated legal advice, two property transactions and appointee evaluations were discussed in Executive Session.

6. **APPROVAL OF MINUTES**

6.a. August 23, 2021, Meeting Minutes

Motion by Berzins, second by Gruber, to approve the minutes of the August 23, 2021, City Council meeting, as presented.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson  
Marciano, Murillo

7. **PROCLAMATIONS OR CEREMONIES**

None

8. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

Council heard public call-in testimony on a non-agenda related item.

Council Member Berzins asked staff to reach out to the speaker to address her concerns.

Mayor Coffman agreed to follow up with the City Clerk as well.

9. **ADOPTION OF THE AGENDA**

Motion by Marcano, second by Bergan, to approve the agenda.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson,  
Marcano, Murillo

10. **CONSENT CALENDAR**

*This portion of the agenda is a meeting management tool to allow the City Council to handle several routine items with one action. Any member of the Council may request an item to be removed from the Consent Calendar and considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Consent Calendar*

- 10.a. Consideration to AWARD A SINGLE SOURCE CONTRACT to Fast Hosting Services LLC, Centennial, CO in the amount of \$597,000.00 to renew the annual subscription of the Tax Management Software for the Finance Department through September 2022

Scott Newman, Chief Information Officer / Ian Best, Asst. City Attorney

Motion by Marcano, second by Lawson, to approve item 10a.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson,  
Marcano, Murillo

- 10.b. Consideration to AWARD A SOLE SOURCE CONTRACT to The People's Group LLC, Denver, CO in the total amount of \$65,000.00 for events facility coordinator services for the People's Building through December 2022

Andrea Amonick, Director Planning & Development Services / Ian Best, Assistant City Attorney



## DRAFT

Andrea Amonick, Director Planning & Development Services, provided a summary of the item.

Mayor Pro Tem Bergan stated her understanding this was a single source contract that did not go out for bid.

Ms. Amonick stated several people were initially interviewed but it was determined over the course of time that this company has been successful in this regard and there was not another company that specifically did this.

Mayor Pro Tem Bergan stated her concern related to the single source and making sure the City was following purchasing protocol in terms of putting it out for bid.

Ms. Amonick restated that was done originally but the success shown by this company over time made them a unique sole source provider.

Motion by Bergan, second by Lawson, to approve item 10b.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

- 10.c. Consideration to AWARD A SINGLE SOURCE CONTRACT to Niquito's, Aurora, Colorado in the not-to-exceed amount of \$85,000.00 for delivery of prepared food and other food items to the Aurora Detention Center through December 31, 2022.

Deborah Burns, Int Detention Administrator / Ian Best, Assistant City Attorney

- 10.d. 2022 Federal Lobbying Contract Renewal

Luke Palmisano, Intergovernmental Relations Manager/Rachel Allen, Client Group Manager

- 10.e. 2022 State Lobbying Contract Renewal

Luke Palmisano, Intergovernmental Relations Manager/Rachel Allen, Client Group Manager

- 10.f. Aurora Water State Lobbying Services Contract Renewal

Kathy Kitzmann, Water Resources Principal / Ian Best, Assistant City Attorney

- 10.g. Peace Officer and Mental Health Grant

Timothy Sherbondy, Grant Analyst, Police / Megan Platt, Assistant City Attorney

DRAFT

Motion by Marcano, second by Lawson, to approve items 10a, 10c – 10g.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

11. **RESOLUTIONS**

11.a. Amendment to the IGA regarding the Gateway Lift Station

R2021-125 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF THE FIRST AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA COLORADO ACTING BY AND THROUGH ITS UTILITY ENTERPRISE AND THE CITY AND COUNTY OF DENVER REGARDING THE GATEWAY LIFT STATION

Sarah Young, Deputy Director of Planning and Engineering, Aurora Water / Ian Best, Assistant City Attorney

Sarah Young, Deputy Director of Planning and Engineering, Aurora Water, provided a summary of the item.

Motion by Gruber, second by Marcano, to approve item 11a.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

11.b. Resolution Approving Regional Fire Code Board of Appeals IGA

R2021-126 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT, CITY OF SHERIDAN, WEST DOUGLAS FIRE PROTECTION DISTRICT, JACKSON-105 FIRE PROTECTION DISTRICT, AND BENNETT FIRE PROTECTION DISTRICT NO. 7 REGARDING THE REGIONAL FIRE CODE BOARD OF APPEALS

Caine Hills, Deputy Fire Chief / Angela Garcia, Senior Assistant City Attorney

Motion by Gruber, second by Berzins, to approve item 11b.

Steven Wright, Commander, Aurora Fire, noted an in-depth presentation was provided previously to Council and he was available to answer any questions in that regard.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

DRAFT

11.c. Resolution Authorizing Police Defined Benefit Plan Option

R2021-127 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AUTHORIZING A DEFINED BENEFIT PLAN OPTION AND RELATED CHANGES TO IMPLEMENT SUCH OPTION

Terri Velasquez, Finance Director / Hans Hernandez Perez, Assistant City Attorney

Outside Speaker: Cindy Birley, Esq. Partner, Davis Graham & Stubbs LLP

Terri Velasquez, Director, Finance, provided a summary of the item.

Motion by Gruber, second by Berzins, to approve item 11c.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marciano, Murillo

Mayor Coffman called for a brief recess of Council to allow staff to provide public call-in instructions.

12. **PUBLIC HEARING WITH RELATED ORDINANCE**

None

13. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

None

14. **INTRODUCTION OF ORDINANCES**

14.a. Municipal Court Surcharges (Correction of Ordinance)

2021-60 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 50-37 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, RELATING TO MUNICIPAL COURT SURCHARGES, PROVIDING FUNDING FOR COMMUNITY SERVICE AGENCIES AND PROGRAMS, AND OTHER RELATED MATTERS

Jason Batchelor, Deputy City Manager / Hanosky Hernandez, Assistant City Attorney

Jason Batchelor, Deputy City Manager, provided a summary of the item.

## DRAFT

Motion by Marcano, second by Lawson, to introduce item 14a.

Mayor Pro Tem Bergan asked staff to speak to the chart attached to the ordinance. Mr. Batchelor did so.

Hanosky Hernandez, Assistant City Attorney, stated he was confident the numbers were correct.

Mayor Pro Tem Bergan suggested perhaps Council had an incorrect chart with the ordinance.

Mr. Hernandez reiterated his confidence the ordinance was correct.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

### 14.b. Repeal of Stable License (Ordinance)

2021-61 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REPEALING THE REQUIREMENT FOR STABLE LICENSES

Trevor Vaughn, Manager of Tax and Licensing / Hanosky Hernandez Perez,  
Assistant City Attorney

Trevor Vaughn, Manager of Tax and Licensing, provided a summary of the item.

Motion by Bergan, second by Coombs, to introduce item 14b.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

### 14.c. Alcohol Beverage Festival Permit (Ordinance)

2021-62 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADDING A NEW SECTION TO THE CITY CODE PERTAINING TO ALCOHOL BEVERAGE FESTIVAL PERMIT

Trevor Vaughn, Manager of Tax and Licensing / Tim Joyce, Assistant City Attorney

Trevor Vaughn, Manager of Tax and Licensing, provided a summary of the item.

Motion by Bergan, second by Coombs, to introduce item 14c.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

## DRAFT

### 14.d. Short Term Rental Regulations

2021-63 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 26 RELATING TO THE SALES OF LODGING IN PRIVATE RESIDENCES

Trevor Vaughn, Manager of Tax and Licensing / Hanosky Hernandez Perez,  
Assistant City Attorney

Motion by Marcano, second by Gruber to introduce item 14d.

Trevor Vaughn, Manager of Tax and Licensing, provided a summary of the item.

Mayor Pro Tem Bergan asked staff to speak to the concerns raised by the Business Advisory Board that were rectified. Mr. Vaughn did so.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

### 14.e. Tax Administration Clarifications

2021-64 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING ARTICLE II OF SECTION 130 OF THE CITY CODE RELATING TO CLARIFICATIONS ON SALES AND USE TAX

Trevor Vaughn, Manager of Tax and Licensing / Hanosky Hernandez Perez,  
Assistant City Attorney

Trevor Vaughn, Manager of Tax and Licensing, provided a summary of the item.

Motion by Coombs, second by Marcano, to introduce item 14e.

Mayor Pro Tem Bergan asked staff if this changed anything for those using cable-television as opposed to streaming services. Mr. Vaughn answered no. Mayor Pro Tem Bergan asked if one would be taxed for cable-television as well as streaming services. Mr. Vaughn answered no, noting they were separate services and the internet service used for streaming was not taxed.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

## 15. **FINALIZING OF ORDINANCES**

*Ordinances on final reading which were introduced by unanimous vote of those present on the first reading may be taken under consideration and voted upon as a single item. Related*

## DRAFT

*ordinances may be acted upon as one item after the titles are read in series by the City Clerk. Any member of the Council may request an item to be considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Finalizing of Ordinances.*

For purposes of considering items 15a. - 15f., the City Council will be acting ex officio as the Board of Directors of the General Improvement Districts 1-2007, 1-2008, 3-2008, Pier Point 7 2-2009 and Aurora Conference Center 2-2011, Cobblewood 1-2016 respectively.

Items 15.g. - 15.j. are 2022 Budget Related Ordinances

15.a. Cherry Creek Racquet Club

2021-48 AN ORDINANCE OF GENERAL IMPROVEMENT DISTRICT 1-2007 (CHERRY CREEK RACQUET CLUB) ADOPTING AN OPERATING BUDGET, ESTABLISHING THE TAX LEVY, AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2022

Teresa Sedmak, City Treasurer, Finance / Hans Hernandez, Assistant City Attorney

15.b. Peoria Park

2021-49 AN ORDINANCE OF GENERAL IMPROVEMENT DISTRICT 1-2008 (PEORIA PARK) ADOPTING AN OPERATING BUDGET, ESTABLISHING THE TAX LEVY, AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2022

Teresa Sedmak, City Treasurer / Hans Hernandez, Assistant City Attorney

15.c. Meadow Hills Country Club

2021-50 AN ORDINANCE OF GENERAL IMPROVEMENT DISTRICT 3-2008 (MEADOW HILLS COUNTRY CLUB) ADOPTING AN OPERATING BUDGET, ESTABLISHING THE TAX LEVY, AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2022

Teresa Sedmak, City Treasurer / Hans Hernandez, Assistant City Attorney

15.d. Pier Point 7

2021-51 AN ORDINANCE OF PIER POINT 7 GENERAL IMPROVEMENT DISTRICT 2-

DRAFT

2009 ADOPTING AN OPERATING BUDGET, ESTABLISHING THE TAX LEVY, AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2022

Teresa Sedmak, City Treasurer / Hans Hernandez, Assistant City Attorney

15.e. Aurora Conference Center

2021-52 AN ORDINANCE OF THE AURORA CONFERENCE CENTER GENERAL IMPROVEMENT DISTRICT (NO. 2-2011) ADOPTING AN OPERATING BUDGET, ESTABLISHING THE TAX LEVY, AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2022

Teresa Sedmak, City Treasurer, Finance / Hans Hernandez, Assistant City Attorney

15.f. Cobblewood General Improvement District 1-2016

2021-53 AN ORDINANCE OF COBBLEWOOD GENERAL IMPROVEMENT DISTRICT 1-2016 (COBBLEWOOD GENERAL IMPROVEMENT DISTRICT) ADOPTING AN OPERATING BUDGET, ESTABLISHING THE TAX LEVY, AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2022

Teresa Sedmak, City Treasurer / Hans Hernandez, Assistant City Attorney

15.g. 2022 Adopting Budget Ordinance

2021-54 AN ORDINANCE OF THE CITY OF AURORA, COLORADO, ADOPTING AN OPERATING AND CAPITAL IMPROVEMENTS PROJECTS BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2022

Greg Hays, Budget Officer / Hans Hernandez, Assistant City Attorney

15.h. 2022 Tax Levy

2021-55 FOR AN ORDINANCE ESTABLISHING THE TAX LEVY ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF AURORA, COLORADO, FOR THE TAX COLLECTION YEAR BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2022

Greg Hays, Budget Officer / Hans Hernandez, Assistant City Attorney

DRAFT

15.i. 2022 Budget Appropriations Ordinance

2021-56 AN ORDINANCE OF THE CITY OF AURORA, COLORADO,  
APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES  
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31,  
2022

Greg Hays, Budget Officer / Hans Hernandez, Assistant City Attorney

Motion by Gardner, second by Gruber, to approve items 15a – 15i.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

15.j. 2022 Aurora Water Rate Increases

2021-57 FOR AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 138  
OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, RELATING TO SERVICES  
FOR THE PROVISION OF WATER

Jo Ann Giddings, Deputy Director, Water, Finance Admin / Ian Best, Assistant City  
Attorney

Marshall Brown, Director, Aurora Water, provided a summary of the item.

Motion by Marcano, second by Coombs, to approve item 15j.

Voting Aye: Bergan, Coombs, Gardner, Gruber, Lawson, Marcano, Murillo

Voting Nay: Berzins

Abstain: Hiltz

15.k. Transport Amended and Restated Development Agreement.

2021-58 AN ORDINANCE APPROVING A CONSOLIDATED, AMENDED AND  
RESTATED INTERGOVERNMENTAL AGREEMENT AND VESTED RIGHTS  
DEVELOPMENT AGREEMENT BETWEEN THE CITY OF AURORA COLORADO,  
WESTERN TRANSPORT, LLC, RANCHO COACHELLA PROPERTIES, LP, AND  
TRANSPORT METROPOLITAN DISTRICT NO. 1 CONTAINING PROVISIONS FOR A  
VESTED PROPERTY RIGHT PURSUANT TO ARTICLE 68 OF TITLE 24, C.R.S. FOR THE  
TRANSPORT COLORADO LOGISTICS & COMMERCE PARK



DRAFT

Jacob Cox, Manager of Development Assistance / Brian Rulla, Assistant City Attorney

Outside Speaker: Munsey Ayers, Attorney, Otten Johnson Robinson Neff + Ragonetti PC

Motion by Gardner, second by Gruber, to approve item 15k.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marciano, Murillo

16. **PLANNING MATTERS**

16.a. Mountain View Community Homes Zoning Map Amendment

2021-59 AN ORDINANCE TO AMEND THE CITY OF AURORA ZONING MAP BY CHANGING 2.06-ACRES OF LAND WITHIN LOT 4, BLOCK 3 OF HAVANA HEIGHTS SUBDIVISION SITUATED IN THE NORTHWEST ¼ OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO FROM R-1 LOW-DENSITY SINGLE-FAMILY DISTRICT TO R-2 MEDIUM DENSITY DISTRICT (MOUNTAIN VIEW COMMUNITY HOMES ZONING MAP AMENDMENT)

Daniel Osoba, Planner II / Daniel L. Money, Senior Assistant Attorney

Outside Speaker: Kory Whitaker, Real, Habitat for Humanity of Metro Denver

Council heard public call-in testimony on the item.

Mayor Coffman called for a brief recess of Council.

Motion by Marciano, second by Coombs, to approve item 16a.

Council Member Marciano stated crime was not associated with affordable housing but rather was common in areas of destitution. He stated this affordable housing in a mixed-income area would help save and improve the lives of those residents moving into it. He stated this type of housing in Ward IV would also enrich the community around it and would change the lives for those new residents and their neighbors. He discussed the 99-year land lease and confirmed it would not charge future residents and they would earn equity off the investment which was a typical Habitat for Humanity model. He looked forward to everyone's affirmative vote and helping build these houses once they were approved.

Council Member Gardner asked staff to speak to the six criteria for approving a zoning change within the code.

## DRAFT

Daniel L. Money, Senior Assistant Attorney, did so.

Council Member Gruber stated his understanding it had to meet criteria A, B and C.

Mr. Money concurred.

Council Member Berzins asked if criteria C allowed the home to be rented. Mr. Money was uncertain of the Habitat for Humanity model in that regard but noted it was not in the purview of the rezoning.

Mayor Pro Tem Bergan suggested the criteria related to compatibility with the surrounding area was subjective.

Mr. Money stated there were two ways to look at compatibility. He agreed compatibility was subjective because Council were the factfinders, and they were deciding that. He discussed how a judge looked at compatibility in court and how they found R-1 and R-2 zoning to be compatible enough.

Mayor Pro Tem Bergan pointed out it could be argued that it was not compatible due to the density change.

Mr. Money noted that was for Council to decide. He discussed how the court would view Council's decision should it be challenged.

Mayor Pro Tem Bergan stated it was subjective and Council was looking at compatibility of the surrounding area and considering the comments of those neighbors who bought within an R-1 zoning with that expectation.

Mr. Money agreed it was subjective because different factfinders could find different outcomes as far as compatibility.

Council Member Coombs asked staff to discuss their perspective of how it was determined there was compatibility between the current and proposed zoning.

Daniel Osoba, Planner II, did so.

Council Member Coombs asked Mr. Osoba to speak to how staff determined the traffic impacts were also compatible. Mr. Osoba did so.

Council Member Gruber pointed out there were 170+ letters from residents who disagreed with staff's point of view. He stated that was where it became subjective because Council had to decide on staff's point of view as well as those who lived in the area. He noted the importance of keeping that in mind.

## DRAFT

Council Member Coombs stated the importance of respecting the expertise coming from Traffic Engineers when reviewing traffic patterns especially as the potential impacts were speculative. She appreciated the neighborhood's concerns and opinions but noted Council should not dismiss expertise in this regard. She stated change has occurred in that neighborhood as well as in other parts of the City.

Council Member Berzins agreed change occurred but pointed out there were people who lived in Aurora for 40+ years who should be respected. She addressed the Traffic Study and the speaker who suggested the study did not study cars and trash trucks going in and out of the cul-de-sac. She stated there were areas in Ward III where that was a problem particularly when it snowed and asked staff if the speaker was correct. Mr. Osoba was uncertain of the scope of the study. Council Member Berzins discussed her experience visiting neighborhoods that garbage trucks could not access, noting this caused trash to build up and become unsightly.

Council Member Coombs clarified her point of view was that the purpose of rezoning was to acknowledge change that has happened and to ensure Council was doing so in a thoughtful way that was consistent with the goals of the City and the well-being of everyone.

Mayor Coffman stated he would recuse himself from the vote based on the advice of the City Attorney's Office.

Mayor Pro Tem Bergan stated this was a tough decision because while Habitat for Humanity did wonderful things, this was a rezoning and she had issues with the site plan. She stated approval of the zoning to higher density meant approval of the site plan and that was a problem. She felt the problem could be solved but Council did not have the opportunity to see what could be done within the R-1 zoning. She stated it was incompatible with the site plan.

Voting Aye: Coombs, Gardner, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Bergan, Berzins, Gruber

Council Member Berzins stated she was sorry nothing new was heard in the public testimony on the item as this was a three-hour repeat of the previous meeting. She stated she would not be on Council much longer but if this issue arose again, she hoped Council would try and get the people who lived in the area to speak and to hopefully bring in new information. She stated she loved hearing from everyone, but she felt it was tough for everyone involved. She stated changes needed to be made with regards to Public Invited to be Heard because the same people called in with the same information and she felt time could be better spent in that regard.

## 17. **ANNEXATIONS**

- ◆ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

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None

18. **RECONSIDERATIONS AND CALL UPS**

Council Member Gruber raised the topic of and discussed Council's violation of City Charter as a result of the Ward II vacancy. He stated the question of the voters' choice was answered because Steve Sundberg has been chosen by the people of Ward II therefore, he felt Mr. Sundberg should fill the Ward II seat vacancy in the interim.

*ORIGINAL MOTION*

Motion by Gruber, second by Berzins, to appoint Steve Sundberg to fill the balance of the vacancy left by former Council Member Johnston.

Mayor Pro Tem Bergan stated her understanding the appointment would put Council in compliance with the Charter.

Mayor Coffman concurred. He asked when the swearing-in could take place should the motion pass. Council Member Gruber believed the oath could be taken in front of the City Clerk which meant the seat could be filled as soon as tomorrow.

Dave Brotzman, City Attorney, concurred.

Mayor Coffman stated his understanding he could vote on the motion.

Mr. Brotzman concurred.

Council Member Lawson stated it did not feel right to do this because, while Mr. Sundberg was ahead in the polls, not all the votes have been counted. She stated she associated a vote with a voice and there were absentee and military ballots that needed to be counted. She asked staff if this could be done with the election not being certified. Mr. Brotzman clarified this related to filling a vacancy until December 6, 2021, and not the selection of a council member for the next four years.

Mayor Pro Tem Bergan stated her understanding this would fill the vacancy and put Council back into compliance with the Charter. She stated she spoke with Matt Crane, former Arapahoe County Clerk and Recorder, who confirmed absentee ballots were counted prior to any other ballots which confirmed those votes would be counted.

Council Member Coombs clarified there was still the acceptance of the vote which took place at midnight on Wednesday, November 10, 2021. She noted Council Member Lawson's point was there was more time for votes to come in to be cured and counted. She stated it was very performative to fill the vacancy for one meeting when there was no sense of urgency for the previous five months in that regard.

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Council Member Gruber stated the question in the Council debates on the issue was what direction the Ward II voters would go. He noted the official vote would determine the seat on December 6, 2021, and he pointed out he was asking to use the existing data obtained to bring Council into compliance with the Charter because Council would have voted on it previously if they had the information.

Council Member Murillo addressed Council Member Gruber and stated he did not speak on her behalf and her decision-making was not dependent on whatever statement he made about the fact of the matter at the time. She agreed it was performative because there was no sense of urgency prior to now and to pretend as though it was in good faith to bring it up now was clearly not. She stated it was clear Council Member Gruber wanted to show and share the results to Ward II. She stated the outcome was not quintessential as over \$1 million was spent in these elections and that influenced the outcome. She stated she did not agree with the premise of bringing this up.

Council Member Gruber stated he would modify his motion to state Steve Sundberg would become the Ward II Council Member once the ballots were verified on November 10 and he was determined to have the most votes.

### *MODIFIED MOTION*

Motion by Gruber, second by Berzins, to modify the previous motion to state Steve Sundberg would become the Ward II Council Member to fill the seat vacated by former Council Member Johnston once the ballots were verified on November 10 and it was determined he had the most votes.

Council Member Berzins stated her support for the modification.

Council Member Hiltz asked Council Member Gruber if he has spoken with Mr. Sundberg in this regard. Council Member Gruber stated he told Mr. Sundberg he would make the motion. Council Member Hiltz discussed her experience when she won her Council seat and noted the importance of her coming into her seat as herself. She questioned the impact this political ploy would have on Mr. Sundberg's credibility as an elected council member. She addressed Council Member Gruber and stated telling Mr. Sundberg what he was going to do was a lot different than Mr. Sundberg coming to Council Member Gruber and asking for this. She felt Mr. Sundberg deserved to come into Council with his credibility for running a campaign that led to him winning intact and she felt appointing him before the votes were certified after months of not having anyone undermined that and she felt he deserved better.

Council Member Gruber strongly disagreed with Council Member Hiltz's portrayal of Mr. Sundberg. He stated the reason he told Mr. Sundberg he was going to do this was because Council was in violation of the Charter, and he needed a way to fix that. He pointed out

## DRAFT

Council has discussed this repeatedly and this was a solution to move them into a position to fix it by replacing former Council Member Johnston with someone the Ward wanted.

Council Member Hiltz stated she did not disparage Mr. Sundberg as he put in a lot of work and won. She noted she stated her opinion that the move to install him to fill the existing Ward II vacancy at this time was a political ploy that was not fair to him because it would undermine and tarnish the work he put in to run the race and win the seat for Ward II.

Kadee Rodriguez, City Clerk, discussed the ballot timeline for certification.

Mayor Pro Tem Bergan stated she would vote in the affirmative to put Council in compliance with the Charter.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marciano, Murillo

### 19. **GENERAL BUSINESS**

#### 19.a. Determination of Final Candidates to be Interviewed for the Civil Service Commission

Kadee Rodriguez, City Clerk / David Lathers, Senior Assistant City Attorney

Mayor Coffman stated his understanding the purpose of the item was to get a sense of how many candidates Council would interview.

Kadee Rodriguez, City Clerk, concurred.

Motion by Murillo, second by Coombs, to interview the top four candidates.

Council Member Gardner asked staff to remind Council of the interview and voting schedule. Ms. Rodriguez did so.

Mayor Coffman asked if there were any objections to the motion.

Council Member Berzins asked if Council was interviewing for two vacancies. Ms. Rodriguez stated there was one vacancy, but the Chairman stated he would resign in December if Council wanted to appoint two members. Council Member Berzins asked if this would be the only two members leaving because she was concerned more might be lost given the current scrutiny they were under.

Mayor Coffman stated his understanding Council was filling one vacancy.

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Ms. Rodriguez stated the Chairman was offering to resign in December if Council had two strong candidates they wanted to appoint otherwise, he would remain to the end of his term in February.

Mayor Coffman asked if there were any objections to filling one vacancy at this time.

Council Member Berzins stated she objected because it was too complicated.

Mayor Coffman stated more candidates should be interviewed if Council was filling two vacancies.

Council Member Hiltz suggested Council go with whatever has been advertised to the public.

Mayor Coffman stated that was for one vacancy.

Ms. Rodriguez concurred.

Mayor Coffman concurred with Council Member Hiltz. He asked if there were any objections to filling one vacancy at this time.

Mayor Pro Tem Bergan stated her preference Council interview four candidates for the one vacancy.

Council Member Coombs stated she would not support four because Council should interview three candidates as they have done in the past.

Mayor Coffman asked if there were any objections to filling one vacancy and hearing none, he asked if there were any objections to interviewing the top four. He stated hearing none that was the direction Council would go.

Ms. Rodriguez listed the top four candidates.

## 20. **REPORTS**

### 20.a. Report by the Mayor

Mayor Coffman announced the upcoming Mayor Mike Live was cancelled. He noted his recent appearance on Spanish Talk Radio and stated he would next discuss challenges with Aurora's emergency dispatch center.

### 20.b. Reports by the Council

Council Member Lawson provided an FSIR update.

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Council Member Hiltz discussed her attendance at the recent Fire Department Promotion Ceremony and congratulated everyone who was a part of it.

Council Member Gardner echoed Council Member Hiltz's comments regarding the success of the Fire Department Promotion Ceremony and congratulated everyone who was promoted. He pointed out Veterans Day was Tuesday, November 11, 2021, and he thanked all Veterans. He announced the Aurora Resource Center was hosting a Thanksgiving dinner where he and his colleagues would be serving on Wednesday, November 17, 2021.

Council Member Murillo discussed her attendance at the world premiere of the documentary "A Decent Home" at the 44<sup>th</sup> Annual Denver Film Festival.

Council Member Berzins expressed appreciation to all Veterans and current military. She noted her father fought in World War II and she wished all Veterans a happy Veteran's Day. She announced the City would be hosting a Veterans Day celebration and suggested those interested in attending should check the City website. She asked if the City was having a tree lighting ceremony this year.

Council Member Hiltz answered affirmatively.

Council Member Marcano gave a shout-out to all the Aurora police officers who showed up to Mountainview Church for the incoming Afghan refugee clothing collection event. He announced the Ward IV Town Hall meeting was scheduled for Thursday, January 13, 2022, at the Stampede at 6:30 p.m. and he thanked his colleagues for supporting the Habitat for Humanity rezoning.

Council Member Coombs announced the next Ward V meeting was scheduled for Tuesday, January 18, 2022, at Heather Gardens at 6:00 p.m. She noted meeting locations would alternate between Heather Gardens and the Central Rec Center. She stated her hope to hold Saturday meetings as well. She provided Visit Aurora, Mile High Behavioral Healthcare and DRCOG updates and announced the Colorado Freedom Memorial Luminaria event, Light Their Way Home, and art show scheduled for November 11 – 13, 2021 in honor of Veterans Day. She echoed Council Member Gardner's reminder of the Thanksgiving lunch and dinner scheduled for Wednesday, November 17, 2021, at the Aurora Day Resource Center as well as the Light of Dawn statue community celebration scheduled on the same day, Wednesday, November 17, 2021, from 5:15 p.m. to 6:00 p.m.

Mayor Pro Tem Bergan provided an E-470 update. She discussed her attendance at the recent Mental Health tour of the Aurora Mental Health proposed campus, the Southeast Rec Center topping out ceremony and the Ridgeview facility which was being considered for homeless housing. She announced the next Ward VI Town Hall meeting was scheduled for Wednesday, November 17, 2021 at the Police Training Center from 6:00 p.m. to 8:00 p.m., where water conservation and overall water policies would be discussed. She stated she



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would be serving food at the upcoming Thanksgiving lunch at the Day Resource Center on Wednesday, November 17, 2021.

21. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

22. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 10:39 p.m.

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MIKE COFFMAN, MAYOR

ATTEST:

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KADEE RODRIGUEZ, CITY CLERK

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## MINUTES

### Regular Meeting of the Aurora City Council

Monday, November 22, 2021

1. **RECONVENE REGULAR MEETING OF NOVEMBER 22, 2021, CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council for November 22, 2021, at 6:30 p.m.

2. **ROLL CALL**– Kadee Rodriguez, City Clerk

COUNCIL MEMBERS PRESENT: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marciano, Murillo

Call-in instructions were provided in both English and Spanish.

3. **INVOCATION / MOMENT OF SILENCE** – Mike Coffman, Mayor

4. **PLEDGE OF ALLEGIANCE** (all standing)

5. **EXECUTIVE SESSION UPDATE**

Mayor Coffman stated legal advice was discussed in Executive Session.

6. **APPROVAL OF MINUTES**

6.a. September 13, 2021, Meeting Minutes

Motion by Bergan, second by Coombs, to approve the minutes of the September 13, 2021, City Council meeting, as presented.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson  
Marciano, Murillo

6.b. October 11, 2021, Meeting Minutes

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Motion by Coombs, second by Lawson, to approve the minutes of the October 11, 2021, City Council meeting, as presented.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson  
Marcano, Murillo

6.c. October 25, 2021, Meeting Minutes

Motion by Berzins, second by Bergan, to approve the minutes of the October 25, 2021, City Council meeting, as presented.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson  
Marcano, Murillo

### 7. **PROCLAMATIONS OR CEREMONIES**

7.a. Small Business Saturday

Mayor Coffman read the proclamation declaring November 27, 2021 as Small Business Saturday.

### 8. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

Council heard public call-in testimony on non-agenda related items.

### 9. **ADOPTION OF THE AGENDA**

Motion by Bergan, second by Berzins, to approve the agenda.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson,  
Marcano, Murillo

### 10. **CONSENT CALENDAR**

*This portion of the agenda is a meeting management tool to allow the City Council to handle several routine items with one action. Any member of the Council may request an item to be removed from the Consent Calendar and considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Consent Calendar*

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- 10.a. Consideration to AWARD A SINGLE SOURCE CONTRACT to Liberty Industrial Group, Inc., Arvada, Colorado in the amount of \$318,855.00 for the Binney Water Purification Facility Sodium Hydroxide Tank Rehabilitation (Phase 2) Project.

Elizabeth Carter, Principal Engineer, Aurora Water / Ian Best, Assistant City Attorney

- 10.b. Consideration to APPROVE A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$112,000 IN 2022 between the city of Aurora, and Aurora Sister Cities International

Ricardo Gambetta, Manager of the Office of International and Immigrant Affairs / Hanosky Hernandez, Assistant City Attorney

Outside Speaker: Karlyn Shorb, Executive Director, Aurora Sister Cities International

- 10.c. Consideration to AWARD AN OPENLY SOLICITED contract to Saunders Construction, Englewood, Colorado in the amount of \$6,138,838.00 for the Work Package 4 of the Southeast Aurora Maintenance (SEAM) Facility Project, Project No. R-5661

Waiver of reconsideration requested due to market conditions and material procurement lead times.

Andrea Long, Senior Engineer, Aurora Water / Brian Rulla, Assistant City Attorney

- 10.d. Consideration to Award a Single Source Contract to Innovest Portfolio Solutions LLC in the amount of \$64,500 for investment advisory consulting services associated with the City's 457 and 401(a) plans through December 31, 2022

Nancy Wishmeyer, Controller / Hanosky Hernandez, Assistant City Attorney

- 10.e. Consideration to AWARD A SINGLE SOURCE CONTRACT to AM Signal, LLC., Littleton, Colorado in the amount of \$134,376.96 for the purchase of twenty-four (24) TrafiSense 2 Thermal Sensors and Video Detectors and related components.

Staff requests a waiver or reconsideration as these detection cameras are needed urgently to maintain functionality of the City's traffic signals as maintenance stock is low and the lead time on these cameras is 6 months due to current industry wide supply chain issues.

Carlie Campuzano, Traffic Manager, Public Works / Ian Best, Assistant City Attorney

- 10.f. Consideration to EXTEND A COMPETITIVELY BID CONTRACT to Liberty Waste Management, Englewood, Colorado in the not-to-exceed amount of \$80,600.00 for portable toilet rental services required through November 30, 2022.

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John Wesolowski, Manager of Parks and Forestry / Ian Best, Assistant City Attorney

- 10.g. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Keesen Landscape Management, Inc., Englewood, Colorado in the not-to-exceed amount of \$210,000.00 for abatement services as required through March 31, 2022. (B-4543)

Sandra Youngman, Manager of Code Enforcement / Ian Best, Assistant City Attorney

- 10.h. Consideration to AWARD A SINGLE SOURCE CONTRACT to Accurate Legal Support Services, LLC, Littleton, Colorado in the not-to-exceed amount of \$88,600.00 for subpoena process services as required through December 31, 2022. (B-4630)

Julie Heckman, Deputy City Attorney / Ian Best, Assistant City Attorney

Motion by Bergan, second by Hiltz, to approve items 10a – 10h.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

- 10.i. Consideration to AWARD A SOLE SOURCE CONTRACT to ZETX Inc., Chandler, AZ in the amount of \$239,986.58 to purchase two each Drive Test Scanner Suites for the Police RAVEN Task Force

Chief Vanessa Wilson, Police / Megan Platt, Asst. City Attorney

Acting Division Chief Mark Hildebrand, Aurora Police, provided a summary of the item.

Council Member Marcano asked staff to speak to the City's fiduciary responsibility in this regard. Acting Division Chief Hildebrand did so. Council Member Marcano stated his understanding the item made efforts more efficient but did not do anything the police could not already do.

Acting Division Chief Hildebrand concurred.

Council Member Coombs stated her understanding the item did not violate anyone's privacy rights and it did not secure anyone's data.

Acting Division Chief Hildebrand concurred.

Council Member Hiltz suggested a larger Data Governance policy should be created for the City going forward.

Motion by Marcano, second by Bergan, to approve item 10i.

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Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

- 10.j. Consideration to AWARD CHANGE ORDER # 1 TO AN OPENLY SOLICITED CONTRACT to J. Brower Psychological Services, Denver, CO in the total amount of \$110,000.00 to provide psychological counseling services for the Aurora Police Dept. through 5/31/2022. (R-2081)

Chief Vanessa Wilson, Police / Ian Best, Asst. City Attorney

Motion by Bergan, second by Hiltz, to approve item 10j.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

Mayor Coffman called for a brief recess of Council to allow staff to provide public call-in instructions.

11. **RESOLUTIONS**

- 11.a. Parkside at City Centre BID 2022 Operating Plan and Budget

R2021-128 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE PARKSIDE AT CITY CENTRE BUSINESS IMPROVEMENT DISTRICT

Jennifer Orozco, Dev Project Mgr, PDS / Hans Hernandez Perez, Assistant City Attorney

Nancy Wishmeyer, Controller, provided a summary of items 11a – 11j.

Motion by Berzins, second by Gardner, to approve item 11a.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

- 11.b. Painted Prairie No. 1 BID 2022 Operating Plan and Budget

R2021-129 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NUMBER ONE

Carol Toth, Manager of Accounting, Finance / Hans Hernandez Perez, Assistant City Attorney

Motion by Gardner, second by Coombs, to approve item 11b.

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Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

11.c. Painted Prairie No. 2 BID 2022 Operating Plan and Budget

R2021-130 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,  
COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE  
PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NUMBER TWO

Carol Toth, Manager of Accounting, Finance / Hans Hernandez Perez, Assistant City  
Attorney

Motion by Bergan, second by Berzins, to approve item 11c.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

11.d. Porteos BID 2022 Operating Plan and Budget

R2021-131 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,  
COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE  
PORTEOS BUSINESS IMPROVEMENT DISTRICT

Carol Toth, Manager of Accounting, Finance / Hans Hernandez Perez, Assistant City  
Attorney

Motion by Marcano, second by Lawson, to approve item 11d.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

11.e. Tower BID 2022 Operating Plan and Budget

R2021-132 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,  
COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE TOWER  
BUSINESS IMPROVEMENT DISTRICT

Carol Toth, Manager of Accounting, Finance / Hans Hernandez Perez, Assistant City  
Attorney

Motion by Coombs, second by Marcano, to approve item 11e.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

11.f. Windler No. 1 BID 2022 Operating Plan and Budget

R2021-133 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,

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COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE  
WINDLER BUSINESS IMPROVEMENT DISTRICT NO.1

Carol Toth, Manager of Accounting, Finance / Hans Hernandez Perez, Assistant City  
Attorney

Motion by Bergan, second by Berzins, to approve item 11f.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

11.g. Windler No. 2 BID 2022 Operating Plan and Budget (Resolution)

R2021-134 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,  
COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE  
WINDLER BUSINESS IMPROVEMENT DISTRICT NO.2

Carol Toth, Manager of Accounting, Finance / Hans Hernandez Perez, Assistant City  
Attorney

Motion by Gardner, second by Lawson, to approve item 11g.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

11.h. 2022 Operating Plan and Budget for the Citadel on Colfax Business Improvement  
District

R2021-135 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,  
COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE  
CITADEL ON COLFAX BUSINESS IMPROVEMENT DISTRICT

Carol Toth, Manager of Accounting, Finance / Hans Hernandez Perez, Assistant City  
Attorney

Council Member Murillo referenced p. 4 and noted there were two serving and three vacant positions on the board and asked staff if that was common. Ms. Wishmeyer answered no. Council Member Murillo asked if a vacancy like this has been seen before with this group. Ms. Wishmeyer answered affirmatively. Council Member Murillo asked when that occurred. Ms. Wishmeyer stated it was noted last year when the item was reviewed. Council Member Murillo expressed concerns that there were only two out of five board members making these decisions.

Motion by Bergan, second by Berzins, to approve item 11h.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo



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11.i. 2022 Operating Plan and Budget for the Fitzsimons Business Improvement District

R2021-136 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE FITZSIMONS BUSINESS IMPROVEMENT DISTRICT

Chad Argentar, Senior Development Project Manager / Hans Hernandez, Assistant City Attorney

Motion by Berzins, second by Lawson, to approve item 11i.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

11.j. Havana Business Improvement District - Operation Plan and Budget

R2021-137 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE HAVANA BUSINESS IMPROVEMENT DISTRICT

Chad Argentar, Senior Development Project Manager / Hans Hernandez, Assistant City Attorney

Outside Speaker: Chance Horiuchi, Executive Director, Havana BID

Motion by Marcano, second by Berzins, to approve item 11j.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

11.k. Property Negotiations - Solar Lease at NE Corner of 6th Ave and Tower Road

R2021-138 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE LEASE OF CITY OWNED LAND CONTAINING APPROXIMATELY 43.6 ACRES FOR A SOLAR GARDEN PROJECT AT THE NORTHEAST CORNER OF 6TH AVENUE AND TOWER ROAD

Karen Hancock, Principal Planner / Michelle Gardner, Senior Assistant City Attorney

Karen Hancock, Principal Planner, provided a summary of the item.

Motion by Coombs, second by Gardner, to approve item 11k.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

11.l. Rocky Ford Land Management IGA

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R2021-139 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE COOPERATIVE SERVICE AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, AND UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE WILDLIFE SERVICES

Alexandra Davis, Deputy Director of Water Resources / Stephanie Neitzel, Assistant City Attorney

Alexandra Davis, Deputy Director of Water Resources, provided a summary of the item.

Mayor Pro Tem Bergan asked Ms. Davis to speak to the agricultural benefits of the item. Ms. Davis did so.

Council Member Marcano stated prairie dog removal was of great concern to some of his constituents. He asked if the City has attempted to trap and relocate them. Ms. Davis answered no and discussed the capture and relocating process. She stated the City was looking into a US Fish & Wildlife Black-footed Ferret Project where the prairie dogs would become food for an endangered species. Council Member Marcano stated the City had to act sooner than that to remain in compliance.

Ms. Davis concurred.

Council Member Murillo acknowledged Ms. Davis and staff's effort in this regard. She asked Ms. Davis to speak to the timeline for substantial compliance. Ms. Davis did so. Council Member Murillo asked if an affirmative vote would allow the City to participate in the US Fish & Wildlife program. Ms. Davis answered no and explained the program process.

Mayor Pro Tem Bergan asked Ms. Davis to speak to the time element for compliance. Ms. Davis did so. Mayor Pro Tem Bergan stated her understanding the issue needed to be addressed right away.

Ms. Davis concurred.

Council Member Coombs asked Ms. Davis to speak to whether the City could consider other options if they came into compliance in the first year rather than finishing out the three-year contract and if so, what the likelihood was for that to occur. Ms. Davis stated the City could not utilize non-lethal management methods due to the sheer number of prairie dogs. She stated the City would work to preserve one whole colony and relocate others. Council Member Coombs asked Ms. Davis why some of the prairie dogs could not be relocated to northwesterly areas. Ms. Davis discussed prairie dog habitability and vegetation in those areas.

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Council Member Murillo stated she was uncertain about supporting lethal options. She asked Ms. Davis to speak to the timeline to perhaps implement non-lethal methods. Ms. Davis did so.

Mayor Pro Tem Bergan stated she understood her colleagues' concerns and asked them to take the timeline into consideration. She noted alternative methods could be pursued moving forward.

Motion by Bergan, second by Berzins, to end discussion and call for the vote on the item.

Voting Aye: Bergan, Berzins, Gardner, Gruber, Hiltz, Lawson, Murillo

Voting Nay: Coombs, Marcano

Motion by Gardner, second by Bergan, to approve item 11l.

Voting Aye: Bergan, Berzins, Gardner, Gruber, Lawson

Voting Nay: Coombs, Hiltz, Marcano, Murillo

Council Member Coombs stated she might have gotten to an affirmative vote if she had been allowed to ask all her questions. She addressed Mayor Coffman and suggested he not move to the question without allowing people to ask all their questions.

11.m. Drainage and Flood Control Improvements for the Cherry Creek Restoration at Arapahoe Road

R2021-140 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA COLORADO ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT, d/b/a MILE HIGH FLOOD DISTRICT, SOUTHEAST METRO STORMWATER AUTHORITY, AND THE CHERRY CREEK BASIN WATER QUALITY AUTHORITY REGARDING DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR CHERRY CREEK RESTORATION AT ARAPAHOE ROAD

Swirvine Nyirenda, Planning Services Manager / Ian Best, Assistant City Attorney

Sarah Young, Deputy Director, Aurora Water, provided a summary of the item.

Motion by Coombs, second by Marcano, to approve item 11m.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

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11.n. Larson Farms & Feeding LLC, Farming and Grazing Lease with Water Use Agreement

R2021-141 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FARMING AND GRAZING LEASE WITH WATER USE AGREEMENT ON CITY-OWNED LAND IN WELD COUNTY BETWEEN CITY OF AURORA AND LARSON FARMS & FEEDING LLC

Hector Reynoso, Manager of Real Property Services / Dawn Jewell, Water Resources Supervisor / Michelle Gardner, Senior Assistant City Attorney

Hector Reynoso, Manager of Real Property Services, provided a summary of the item.

Motion by Marcano, second by Lawson, to approve item 11n.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

11.o. Ford Farms LLC - Farm, Grazing and Property Lease with Water Use Agreement

R2021-142 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FARM, GRAZING AND PROPERTY LEASE WITH WATER USE AGREEMENT ON CITY-OWNED LAND IN WASHINGTON AND LOGAN COUNTIES BETWEEN CITY OF AURORA AND FORD FARMS LLC

Hector Reynoso, Manager of Real Property Services / Dawn Jewell, Water Resources Supervisor, Aurora Water / Michelle Gardner, Sr. Asst. City Attorney

Hector Reynoso, Manager of Real Property Services, provided a summary of the item.

Motion by Bergan, second by Marcano, to approve item 11o.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

11.p. Consent Decree Agreement

R2021-143 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL FOR ENTERING INTO THE STIPULATED CONSENT DECREE AGREEMENT WITH THE STATE OF COLORADO ATTORNEY GENERAL PURSUANT TO C.R.S. § 24-31-113

Staff is requesting a waiver of reconsideration to accommodate the prompt filing of the Agreement with the Court.

Jim Twombly, City Manager / Peter Schulte, Public Safety Client Group Manager

## DRAFT

Jason Batchelor, Deputy City Manager, and Peter Schulte, Public Safety Client Group Manager, gave presentations on the item.

Mayor Pro Tem Bergan referenced the resolution and asked staff to speak to Council's role in the consent decree. Mr. Schulte did so, noting this was the point where Council approved these steps.

Council Member Marciano asked staff to speak to what part labor organizations played in crafting the decree. Mr. Schulte did so.

Council Member Hiltz expressed appreciation to staff for their efforts in this regard. She stated the City had a lot of work to do and has for a long time in terms of policing. She stated it was unfortunate that it took this process to get it done, noting there were those in the City who did not want to have these discussions.

Council Member Lawson echoed Council Member Hiltz's thanks of staff. She referenced 317, Civil Service Commission, and noted it was rather broad. She asked Mr. Schulte to speak to how Council would be a part of the implementation process. Mr. Schulte did so.

Council Member Hiltz gave a shout-out to former Council Member Johnston for her efforts in having the Chiefs provide input into the item. She discussed her experience in 2020 working on the Public Safety Committee where their efforts were dismissed, and they were called anti-police when now two separate independent investigations confirmed their concerns.

Council Member Berzins stated she heard the unions were not very involved which concerned her as that was their job. She asked staff if the unions had a seat at the negotiations table. Mr. Batchelor answered no, noting everything that was being negotiated was a management right as it had to do with department operations. He stated the item was reviewed with the unions to answer their questions once it was made public.

Mr. Schulte stated the unions would be an integral part once the policies were instilled.

Council Member Berzins expressed concerns related to the waiver of reconsideration because the role of Attorney General was a political position. She asked staff to speak to how a change in that position would impact the item. Mr. Batchelor stated the waiver of reconsideration was simply a Council procedural rule. Council Member Berzins asked if the consent decree could be changed at some point. Mr. Schulte answered no, noting it became an order of the court once it was approved and signed by the Court.

Troy Eid, outside counsel, explained the consent decree process.

Council Member Berzins stated her understanding Council was giving power to a judge.

## DRAFT

Mr. Eid disagreed, noting progress and timeframes were very clear in the framework.

Council Member Berzins expressed concerns that crime would continue to increase as it did after 217 passed and wondered if this would help public safety at all. She stated Council cared about the consent decree only because they were intrinsically involved but noted the average person did not care about it as they just wanted to be safe.

Mr. Schulte discussed how the item was different from a Department of Justice consent decree.

Council Member Berzins stated she wanted to see the specifics in it before it passed. She expressed appreciation to staff for their efforts in this regard and restated her concerns that crime was on the rise.

Mr. Batchelor discussed the role of the independent monitor as called out in the decree.

Mayor Pro Tem Bergan expressed appreciation to staff for their efforts in this regard. She noted some of the trainings and reform were currently in place which expedited the process. She noted additionally the metrics were in place to ensure the City remained in compliance.

Mr. Schulte concurred.

Mayor Pro Tem Bergan stated more information provided more transparency to the public.

Mr. Schulte concurred.

Council Member Coombs expressed appreciation to staff for their attendance and for providing information. She referenced hiring and recruitment and noted backgrounding was not specifically addressed. She discussed the current situation where a disproportionate number of persons of color were being disqualified and lateral hires had significant backgrounding issues. She asked staff to speak to how those issues would be addressed. Mr. Batchelor did so, noting that process was not specified but having a qualified and diverse work force was a part of the requirement and it would be reached through input from an outside expert.

Mr. Schulte concurred, noting the background checks would go through the Human Resources and Police and Fire Departments.

Council Member Coombs referenced the waiver of reconsideration and asked staff to speak to what would happen should there not be a waiver of reconsideration and the item was called up, and Council chose not to support it. Mr. Schulte stated the Attorney General's Office would file a lawsuit and the City would litigate it.

- ◆ ***The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.***

## DRAFT

Mr. Eid stated the Attorney General had a complaint and he would go to court and sue the City therefore either the City stated they disagreed with it and stipulated to a judgement, or they rolled the dice and went to court. He discussed the problem with going to court in this regard.

Mr. Schulte stated things could change until the agreement was signed and that was why staff was stressing the waiver.

Council Member Coombs referenced bias-based policing goals and measurements and asked if those offenses and related offenses were required to be included and what the related offenses were and why were they chosen. Mr. Schulte stated all three offenses would be included and he discussed how they related to misdemeanors.

Mr. Batchelor discussed the importance of ensuring Use of Force was proportional to the offense.

Motion by Hiltz, second by Coombs, to approve item 11p.

Council Member Hiltz stated her appreciation for the conversation and noted the importance of recognizing not all people in Aurora were safe and that was due in large part to racially biased policing. She stated Chief Wilson and many City police officers have worked hard, were committed to moving forward in a better direction and were being mindful of those policing policies but there was also police union leadership who were undermining that every step of the way. She stated she supported the item because the City had a problem they have not been able to address because of representation that was fighting against it which caused more harm. She stated she was not an expert on youth violence but noted the importance of listening to the community. She stated Aurora's problems began long before Chief Wilson and she applauded the Chief's efforts in making the necessary changes in this regard. She stated it was evidenced by the actions of the police union leadership that Aurora needed a court order to force them to do better because it was very clear it was not happening organically. She addressed those officers who were attempting to do better to treat people as they should be treated, and she applauded their efforts. She stated this would be her final vote on a resolution of Council and it was very fitting considering the work that has been done over the last several years.

Council Member Marcano concurred and expressed appreciation to Council Member Hiltz for her comments. He added this was a framework for a conversation to come as there was nothing prescriptive in the decree and he expressed his hope the community would be largely involved in that discussion. He addressed Council and discussed the importance of digging into the root causes such as wages, healthcare, childcare, housing, food access and recreational opportunities that led to people getting involved with law enforcement to begin with. He noted these issues were within Council's policy-making wheelhouse and pointed out leaving them unaddressed would result in another big incident in the future. He stated his support for the item and expressed appreciation to staff for their efforts in this regard.

## DRAFT

Council Member Murillo expressed appreciation to all those who worked hard to bring the item forward. She stated it was an understatement to state Aurora experienced a nationally organized movement that they never should have. She stated as a result, they had to react with the utmost care in terms of how to move forward. She stated she found peace in the process that the direction provided did not rely on opinion but rather on independent objective third-party recommendations. She stated the City has not resolved these issues on their own and the consent decree provided a framework of how the City could do better. She stated the consent decree allowed the City to be proactive in a reactive situation, to take control of what could be changed and to be cooperative with the opinions around policing in Aurora. She supported the item and looked forward to working with the community and staff to move Aurora forward because they owed it the community to do so.

Council Member Hiltz also expressed appreciation to Fire Chief Fernando Gray, Aurora Fire, for his efforts in this regard.

Council Member Coombs expressed appreciation to Council Members Hiltz, Murillo and Marcano for their comments and to staff for their hard work, thoughtfulness and swiftness in this regard. She stated her support for the item.

Mayor Coffman stated Aurora made tremendous progress prior to the consent decree and would continue to do so irrespective of it.

Dan Brotzman, City Attorney, asked if the waiver of reconsideration was included in the motion.

Mayor Coffman asked Council Member Coombs if it was included in her motion. Council Member Coombs answered affirmatively.

Voting Aye: Bergan, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Berzins

Mayor Coffman called for a brief recess of Council to allow staff to provide public call-in instructions.

## 12. **PUBLIC HEARING WITH RELATED ORDINANCE**

### 12.a. 2021 International Building Code Adoption

2021-65 FOR AN ORDINANCE AMENDING CHAPTER 22 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, REGARDING BUILDING AND BUILDING REGULATIONS, AND THE ADOPTION BY REFERENCE OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE,

- ◆ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*



DRAFT

THE INTERNATIONAL ENERGY CONSERVATION CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL EXISTING BUILDING CODE, AND THE INTERNATIONAL SWIMMING POOL AND SPA CODE

Jose Rodriguez, Building Plan Review Manager / Michelle Gardner, Sr. Assistant Attorney

Mayor Coffman opened the public hearing on the item and hearing none, closed the public hearing.

Jose Rodriguez, Building Plan Review Manager, provided a summary of the item.

Mayor Pro Tem Bergan pointed out the item was presented to the Joint Task Force who also supported the item.

Mr. Rodriguez concurred.

Motion by Marcano, second by Lawson, to approve item 12a.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

12.b. 2021 International Fire Code Adoption

2021-66 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 66 OF THE CITY CODE ENTITLED "FIRE PREVENTION AND PROTECTION" RELATED TO THE ADOPTION OF THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE AND LOCAL AMENDMENTS THERETO

Deputy Chief Caine G. Hills / Angela Garcia, Senior Assistant City Attorney

Mayor Coffman opened the public hearing on the item.

Commander Steven Wright, Aurora Fire Rescue, provided a summary of the item.

Mayor Coffman closed the public hearing on the item.

Motion by Marcano, second by Coombs, to approve item 12b.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

12.c. Battery Powered Electric Fence Ordinance

2021-67 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA,

DRAFT

COLORADO, ADDING SECTIONS 22-642, 66-37, AND 146-4.7.9.U, TO THE CITY CODE, AND AMENDING TABLE 3.2-1, SECTIONS 146-4.7.9.E.1, 146-4.7.9.M, AND 146-6.2 OF THE CITY CODE PERTAINING TO BATTERY- OPERATED ALARMED ELECTRIC FENCES

Jason Batchelor, Deputy City Manager / Tim Joyce, Assistant City Attorney

Sponsor: Council Member Gardner

Mayor Coffman opened the public hearing on the item.

Brandon Cammarata, Manager, Planning, provided a summary of the item.

Council Member Marcano asked if there was any potential liability of a business owner if someone was injured by the battery powered fence.

Tim Joyce, Assistant City Attorney, stated someone could always bring a lawsuit as it depended on the circumstances. He noted there was no liability on the part of the City.

Motion by Gardner, second by Berzins, to approve item 12c.

Mayor Coffman closed the public hearing on the item.

Council Member Gardner recognized staff for their efforts in this regard.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

13. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

None

14. **INTRODUCTION OF ORDINANCES**

14.a. 2021 Fall Supplemental

2021-68 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROPRIATING SUMS OF MONEY IN ADDITION TO THOSE APPROPRIATED IN ORDINANCE NOS. 2020-53, AND 2021-17 FOR THE 2021 FISCAL YEAR

Mike Franks, Budget and Finance Manager / Hanosky Hernandez, Assistant City Attorney

## DRAFT

Greg Hayes, Budget Officer, provided a summary of the item.

Motion by Marcano, second by Bergan, to introduce item 14a.

Council Member Hiltz expressed appreciation to Mr. Hayes and staff for their efforts in this regard.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

Mayor Coffman asked Council if there was objection to combining items 15a – 15e in one vote and hearing none, proceeded to do so.

### 15. **FINALIZING OF ORDINANCES**

*Ordinances on final reading which were introduced by unanimous vote of those present on the first reading may be taken under consideration and voted upon as a single item. Related ordinances may be acted upon as one item after the titles are read in series by the City Clerk. Any member of the Council may request an item to be considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Finalizing of Ordinances.*

#### 15.a. Municipal Court Surcharges (Correction of Ordinance)

2021-60 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 50-37 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, RELATING TO MUNICIPAL COURT SURCHARGES, PROVIDING FUNDING FOR COMMUNITY SERVICE AGENCIES AND PROGRAMS, AND OTHER RELATED MATTERS

Jason Batchelor, Deputy City Manager / Hanosky Hernandez, Assistant City Attorney

#### 15.b. Repeal of Stable License (Ordinance)

2021-61 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REPEALING THE REQUIREMENT FOR STABLE LICENSES

Trevor Vaughn, Manager of Tax and Licensing / Hanosky Hernandez Perez, Assistant City Attorney

#### 15.c. Alcohol Beverage Festival Permit (Ordinance)

2021-62 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADDING A NEW SECTION TO THE CITY CODE PERTAINING TO ALCOHOL BEVERAGE FESTIVAL PERMIT

DRAFT

Trevor Vaughn, Manager of Tax and Licensing / Tim Joyce, Assistant City Attorney

15.d. Short Term Rental Regulations

2021-63 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 26 RELATING TO THE SALES OF LODGING IN PRIVATE RESIDENCES

Trevor Vaughn, Manager of Tax and Licensing / Hanosky Hernandez Perez, Assistant City Attorney

15.e. Tax Administration Clarifications

2021-64 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING ARTICLE II OF SECTION 130 OF THE CITY CODE RELATING TO CLARIFICATIONS ON SALES AND USE TAX

Trevor Vaughn, Manager of Tax and Licensing / Hanosky Hernandez Perez, Assistant City Attorney

Motion by Bergan, second by Berzins, to approve items 15a – 15e.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

16. **PLANNING MATTERS**

None

17. **ANNEXATIONS**

None

18. **RECONSIDERATIONS AND CALL UPS**

None

19. **GENERAL BUSINESS**

19.a. Consideration to appoint one (1) member to the Civil Service Commission

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

DRAFT

Motion by Marcano, second by Hiltz, to appoint Desmond McNeil to the Civil Service Commission.

Council Member Marcano stated Mr. McNeil had a great understanding of how the commission operated and he had thoughtful responses to Council's questions.

Mayor Pro Tem Bergan expressed appreciation to all three candidates as they all had good comments but noted her support for Mr. McNeil as he had experience and straight-forward answers to Council's questions.

Council Member Coombs concurred. She stated Mr. McNeil was very prepared and thoughtful in his interview.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

19.b. Consideration to reappoint two (2) members to the Board of Adjustments and Appeals

Kadee Rodriguez, City Clerk, General Management / David Lathers, Senior Assistant City Attorney

Motion by Bergan, second by Gardner, to reappoint Kari Gallo and Andris Berzins, to the Board of Adjustments and Appeals.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

19.c. Consideration to appoint one (1) member to the General Employees Retirement Board

Kadee Rodriguez, City Clerk, General Management / David Lathers, Senior Assistant City Attorney

Motion by Coombs, second by Marcano, to appoint Michelle Reding to the General Employees Retirement Board.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

19.d. 2021 and 2022 Council Meeting Calendars

James Twombly, City Manager

## DRAFT

James Twombly, City Manager, provided a summary of the item.

Motion by Bergan, second by Gardner, to cancel the December 27, 2021 study session meeting.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

### 20. **REPORTS**

#### 20.a. Report by the Mayor

Mayor Coffman noted everyone has been consumed by the recent tragedies in Aurora and he confirmed Council and City staff would continue to work to find a way forward once all the facts become known. He pointed out City Council has done a lot in terms of youth violence prevention, and he assured everyone they would continue to do so.

#### 20.b. Reports by the Council

Mayor Pro Tem Bergan discussed her attendance at the recent Day Resource Center Thanksgiving Lunch and expressed appreciation to Greg Baker, Public Relations Manager, Aurora Water, and Tim York, Water Preservation Specialist, Aurora Water, for their presentation at the recent Ward VI Town Hall meeting. She stated she was saddened and troubled by the recent shootings at Central and Hinkley High Schools and how it made students fearful to go to school when schools should be safe. She echoed Chief Wilson's comments regarding the importance of parents, friends and the community helping each other in checking in with local youth. She stated School Resource Officers (SROs) in schools were important, but felt it was up to parents and the community to come together to help solve the issue. She noted her hope the City's Youth Violence Program would move forward to help youth in preventing crime.

Council Member Lawson echoed Mayor Pro Tem Bergan's comments and sent her thoughts and prayers out to those youth involved. She expressed appreciation to community leaders and Council for coming together and discussed the importance of listening to kids. She expressed her hope the City could move forward with the Youth Violence Prevention Program to provide adequate services and support initiatives in this regard. She discussed her participation in the Day Resource Center Thanksgiving Luncheon. She provided FSIR and NLC Conference updates.

Council Member Hiltz discussed her attendance at the recent Light of Dawn reopening and the State of Emergency on Youth Violence meetings. She expressed appreciation to Council Member Lawson for her efforts in that regard. She discussed the importance of listening to kids as they were the most impacted. She expressed her hope Council would support Council Member Lawson in her efforts moving forward.

## DRAFT

Council Member Gardner discussed his and Council Member Hiltz's efforts in helping the non-profit Wholly Kicks restore what was lost when their storage unit was broken into. He recognized Amazon for their efforts in that regard. He discussed his attendance at the recent Southlands Christmas parade and expressed appreciation to Local # 1290 for allowing him to ride along with Santa. He recognized these were challenging times and noted it weighed heavily on him. He pointed out government could not solve these problems. He stated they could contribute through more mental health funding and youth programming. He discussed the impact the last 18 months have had on youth's mental health and the need for everyone including parents and faith leaders to help by listening to and loving others.

Council Member Murillo announced the next Ward I Town hall was scheduled for Thursday, January 20, 2022, and she encouraged all those interested in attending to do so. She discussed staff's efforts in working to provide a hybrid model for the meetings. She echoed Council's comments related to youth and gun violence. She agreed it was everyone's responsibility to address and listen to youth in the City. She noted as the youngest council member ever elected, she empathized with people not hearing someone because of their youth. She discussed her attendance at recent Town Halls where youth were front and center speaking about their issues and the need for safe, physical spaces and things to do. She noted the importance of being responsive to and honoring of the City's youth. She stated they discussed mental health, conflict resolution, and feeling the need to be armed for self-protection. She stated a holistic approach was needed and she looked forward to continuing those conversations. She stated not one policy would fix it because it was an ever-evolving process, but she resolved to work collaboratively with youth and other leaders to solve these complex issues in the City.

Council Member Berzins concurred. She stated it came down to parents and caretakers to help youth because they could not grow up alone. She stated they needed someone to talk to such as church youth groups and pastors to work out their problems. She stated there were many leaders in the community who were willing to help with the youth and Council needed to use those leaders and point the City's youth in the right direction. She discussed the negative impact social media had on youth and noted there was a lot of hate going on. She echoed Council Member Gardner's comment that everyone needed to focus more on loving each other and taking care of each other. She stated it was a long process, but youth were at stake, and they were the future. She asked parents and neighbors to step up and reach out to help a young person as they gave out signs when they were troubled. She discussed her attendance at the recent annual Visit Aurora meeting and encouraged everyone to visit the Cirque Dreams Holidaze Christmas event at the Gaylord Rockies.

Council Member Marcano discussed the success of the recent Aurora Sister Cities Fall Fundraiser and expressed appreciation to Mayor Coffman, Debi Hunter-Holen and Bill Holen for their efforts in that regard. He acknowledged and echoed his colleagues' comments on the recent tragedies in Aurora. He discussed a pastor's comment where he begged youth to talk about what was going on and noted adults have failed to take meaningful steps to address the root causes of youth violence. He referenced the Educational Fund to Stop Gun

## DRAFT

Violence and listed their primary reasons behind gun violence. He noted the importance of providing more youth resources, having difficult conversations, and providing mental health services as the world was much more complicated for this generation. He believed it would take everyone pulling together to address the problem because they were failing future leaders today.

Council Member Coombs expressed appreciation to her colleagues for their comments related to youth violence and the recent violent incidents. She stated the tone of the youth was fear and they and their parents stated they needed the City to use their power to act. She stated parents were working hard to support their families and while they were responsible, they also needed support through programming and adequate childcare. She noted other issues that arose from the youth was they did not feel accepted for who they were from those places they were supposed to feel safe, seek resources and be heard. She stated it was important to listen to them about their needs but also about their experience because they were not feeling supported or listened to by the adults they were turning to. She stated it was everyone's responsibility to convey acceptance, care and love and a part of loving people was for them to know they were loved for who they were. She stated it was also important to take their issues seriously because not all their experiences were the same. She stated it was not only social media that made those experiences not the same. She expressed appreciation to the youth and their parents for their courage in being very real with their leaders in this regard. She discussed her participation at the recent Young Invincibles program event. She provided Visit Aurora, DRCOG, Mile High Behavioral Healthcare, Mayoral Mission to El Salvador and State of Recycling and Compost Colorado updates.

Mayor Coffman called for a brief recess of Council to determine if Council Member Gruber could be made available to provide a report. He returned from the recess and announced Council Member Gruber was unable to speak due to technical issues.

### 21. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

### 22. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 9:46 p.m.



DRAFT

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MIKE COFFMAN, MAYOR

ATTEST:

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KADEE RODRIGUEZ, CITY CLERK

- ◆ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*



## City of Aurora 2021 Official Election Results

### At-Large Council Members

Candidate	Adams	Arapahoe	Douglas	Total	Percent
Dustin Zvonek	1,314	26,772	658	28,744	23%
Danielle Jurinsky	1,173	24,374	688	26,235	21%
John Ronquillo	2,010	21,394	312	23,716	19%
Candice Bailey	1,930	20,706	267	22,903	18%
Becky Hogan	1,044	13,984	308	15,336	12%
Hanna Bogale	727	8,142	141	9,010	7%
	8,198	115,372	2,374	125,944	

### Ward I Council Member

Candidate	Adams	Arapahoe	Douglas	Total	Percent
Crystal Murillo	1,457	1,538	0	2,995	56%
Bill Gondrez	919	1,017	0	1,936	36%
Scott Liva	222	212	0	434	8%
	2,598	2,767		5,365	

### Ward II Council Member

Candidate	Adams	Arapahoe	Douglas	Total	Percent
Steve Sundberg	770	4,168	0	4,938	48%
Bryan Lindstrom	739	3,027	0	3,766	36%
Jessica Giammalvo	277	794	0	1,071	10%
Robert Hamilton	116	453	0	569	6%
	1,902	8,442		10,344	

### Ward III Council Member

Candidate	Adams	Arapahoe	Douglas	Total	Percent
Ruben Medina	0	4,180	0	4,180	51%
Jono Scott	0	4,052	0	4,052	49%
		8,232		8,232	



# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> 2021 International Building Code Adoption by Ordinance
<b>Item Initiator:</b> Jose Rodriguez, Building Plan Review Manager, Public Works Dept., Building Division
<b>Staff Source/Legal Source:</b> Jose Rodriguez, Building Plan Review Manager, Public Works Dept., Building Division/ Michelle Gardner, Sr. Assistant Attorney
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 1.0--Assure a safe community for people

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** N/A

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### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- ☐ Approve Item as proposed at Study Session ☐ Information Only
- ☒ Approve Item and Move Forward to Regular Meeting
- ☐ Approve Item as proposed at Regular Meeting
- ☐ Approve Item with Waiver of Reconsideration

Why is a waiver needed? [Click or tap here to enter text.](#)

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### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Planning & Economic Development

**Policy Committee Date:** 8/11/2021

### Action Taken/Follow-up: *(Check all that apply)*

- ☒ Recommends Approval ☐ Does Not Recommend Approval
- ☐ Forwarded Without Recommendation ☐ Recommendation Report Attached
- ☒ Minutes Attached ☐ Minutes Not Available

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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

The City currently has adopted the 2015 Building Code. The adoption of the new 2021 Building Code was presented to the PED committee, where it received support to move forward to Study Session. This was also presented to Joint Task Force Committee on July 8, 2021 and the Building Code and Contractor's Appeals and Standards Board Meeting on July 13, 2021 where it received support from both groups.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

The Building Division believes that adoption of the 2021 International Codes will allow the City of Aurora to stay current with the new national codes that have been developed to provide uniformity among different jurisdictions across the country. Architects, engineers and other design professionals are familiar with the current edition of these codes and adoption of the 2021 editions will allow for an efficient interaction with the city of Aurora.

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**QUESTIONS FOR COUNCIL**

Does Council support adoption of the 2021 International Codes as presented by City staff?

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**LEGAL COMMENTS**

The council shall have all legislative powers of the city and all other powers of a home rule city not specifically limited by the Constitution of the State of Colorado and not specifically limited or conferred upon others by this Charter. It shall have the power to enact and provide for the enforcement of all ordinances necessary to protect life, health and property.

City Charter Sec. 3-9 (Money)

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**PUBLIC FINANCIAL IMPACT**

☐ YES ☒ NO

**If yes, explain:**

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**PRIVATE FISCAL IMPACT**

☒ Not Applicable ☐ Significant ☐ Nominal

**If Significant or Nominal, explain:**



**Planning and Economic Development  
MINUTES**

**Date:** August 11, 2021

**Time:** 8:30 am

**Members Present:** Councilmember Marsha Berzins, Chair: Councilmember Dave Gruber, Vice Chair: Councilmember Angela Lawson

**Others Present:** Alecia Peabody, Andrea Amonick, Andrea Barnes, Blake Fulenwider, Brad Pierce, Brandon Cammarata, Bruce Dalton, Cathy DeWolf, Chad Argentar, Chance Horiuchi-On Havana Street, Cindy Colip, Daniel Brotzman, Daniel Krzyzanowski, Daniel Money, David Schoonmaker, Debbie Bickmire, Elena Vasconez, Gayle Jetchick, Haley Busch Johansen, Heather Lamboy, Huiliang Liu, Jacob Cox, Jason Batchelor, Jose Rodriguez, Karen Hancock, Kelly Bish, Kevin Smith, Kevin Hougen, Mac Callison, Marcia McGilley, Marisa Noble, Melissa Rogers, Melvin Bush, Michelle Gardner, Mindy Parnes, Margie Sobey, Rachel Gruber - Denver Airport, Rachid Rabbaa, Robert Oliva, Sarah Wile, Scott Berg, Thomas Blevins, Tod Kuntzelman, Todd Hager, Tom Worker-Braddock, Trevor Vaughn, Victor Rachael, Yuriy Gorlov

**1. Call to Order**

**2. Approval of Minutes**

**2.a July 14, 2021 DRAFT Minutes - Council Member Berzins**

July 14, 2021 minutes were approved.

**3. General Business**

**3.a Resolution in support of renaming portions of Harvest and Powhatan Roads to Aerotropolis Parkway**

Karen Hancock, Principal Planner/Michelle Gardner, Senior Assistant City Attorney (Sponsored by Council Member Gruber)

Councilmember Gruber requested the custom street name of Aerotropolis Parkway to replace portions of the Harvest Road and Powhatan Road alignments as shown in Exhibit A. Previous city-led custom street names include replacing

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Ursula Street with Aurora Court on the Fitzsimons-Anschutz campus and the extension of 6<sup>th</sup> Avenue renamed in honor of Mayor Stephen D. Hogan. Planning has guidelines for adjusting street names to assure public safety response service levels are maintained and postal delivery is uninterrupted.

City of Aurora code specifies that addressing of the city is under the purview of the Planning Director (Section 126-272). Section 126-273 of city code specifies that the city will be addressed in accordance with the Denver Metropolitan Grid. Attached is a draft resolution expressing support from City Council for the alignment shown in Exhibit A to be renamed Aerotropolis

Parkway. "Aerotropolis Parkway" meets Planning guidelines for custom street names. Renaming this alignment to Aerotropolis Parkway supports place branding an element of economic development for Northeast Aurora as described in Aurora Places. The street renaming to Aerotropolis Parkway was presented to the Aerotropolis Regional Transportation Authority (ARTA) was supported by the Board of Directors. The purpose of this resolution is to name the future road from the Harvest interchange to be built on I-70 North through Aurora that will intersect with Jackson Gap. The funding for the road is from Aerotropolis, which consists of Adams County Commissioners, Aurora City Council members, and the Metropolitan District for Aurora Highlands. Aerotropolis Parkway will allow people to travel through Eastern Aurora and intersect with I-70 and all areas East. As this road's planning is finalized, it's essential to have a name that will last. CM Gruber asked if the new road being put into place by the Aerotropolis Regional Transportation Authority will be named Aerotropolis Parkway?

- CM Lawson asked if an Intergovernmental Agreement (IGA) is required to make this type of change? CM Gruber responded that the city must name roads based on the defined grid for the entire metro area. This section of the road in the resolution is entirely within the City of Aurora. He asked for staff to address the question. Karen Hancock responded that there are rules within the code for naming streets, and custom street renaming is within the purview of this group. If needed, they can coordinate across jurisdictions with the property owners and report back.
- CM Berzins, CM Lawson, and CM Gruber approve forwarding the resolution to Study Session for review by Council.
- CM Gruber requested staff to set up a meeting as soon as possible with the landowners adjacent to the proposed Aerotropolis Parkway alignment, including representatives from Denver International Airport (DEN), to discuss the proposal. He would like this committee to host the results. Council Members do not need to attend the meeting. CM Berzins asked the staff if that is doable? Andrea Amonick responded that they would try to get that set up within the next three weeks. CM Lawson requested that

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the discussions on the roads include the transportation grid. CM Gruber responded that he agrees then continued that the ARTA does not override what the city has done with the North East Aurora Transportation Study (NEATS). The NEATS identifies the location for mass transit in the Northeast sector of Aurora. That study is the basis for the work.

Council Members Berzins, Lawson, and Gruber approve forwarding the resolution to Study Session for review by Council.

**Carried**

### **3.b 2021 International Building Code Adoption**

Jose Rodriguez, Building Plan Review Manager, Public Works Dept., Building Division

Scott Berg, Chief Building Official, Public Works

- This was presented to the Joint Task Force Committee on July 8, 2021 and the Building Code and Contractor's Appeals and Standards Board Meeting on July 13, 2021 where it received support from both groups.
- The Building Division believes that adoption of the 2021 International Codes will allow the City of Aurora to stay current with the new national codes that have been developed to provide uniformity among different jurisdictions across the country. Architects, engineers and other design professionals are familiar with the current edition of these codes and adoption of the 2021 editions will allow for an easier interaction with the city of Aurora.
- Does the Committee wish to adopt the 2021 International Codes as recommended by staff and forward the Ordinance onto Study Session for consideration by the whole Council?
- Scott Berg, Chief Building Official, assisted since Jose was having technical issues.
  - CM Gruber asked if they have received feedback from the Homeowner Associations and construction companies and were the comments included in the plan? Is there a plan for the Unified Ordinance Office (UDO) to authorize tiny houses and cargo shipping container houses within the city? He asked that if they approve this today would that make it possible for a builder to start building homes using cargo shipping containers within the next few months, or is that something still to be addressed by the council? CM Gruber added that various types of Tiny Homes are coming to fill an important gap of providing low-cost housing. Scott Berg responded that they had done outreach through the joint task force meeting and email blasts to licensed contractors who

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have pulled permits in the last couple of years. They have received the feedback, and everything brought up has been addressed. Jason Batchelor responded that whatever is constructed has to conform to code. The UDO does not prescribe building materials. Scott Berg responded that using a cargo shipping container would be addressed by the building code. The UDO would address the size, location on the property, and appearance. CM Berzins asked if we have shipping container homes now? Scott responded that such a structure was completed years ago at the solar tech project where a shipping container was used for a Solar Decathlon home. Karen Hancock responded that the definition for Tiny Homes is specific. They look at definitions of where they go and where they are allowed. Brandon Cammarata added that "tiny homes" are limited to the Residential Manufactured Home Park District (R-MH) or as Accessory Dwelling Units in Original Aurora. They are not proposed that often. Container housing, like modular housing, has the same general aesthetic requirements.

- See the attached "Planning Update for 8.11.2021 PED."
- CM Gruber recommends approving everything except the tiny homes and cargo container homes. He would like to see a follow-up meeting where the terms and a broader picture of other city regulations is presented to this committee. CM Berzins asked for this to move to the Study Session. CM Gruber agrees that the council will have to approve this. He requested the terms and a broader picture of the other city regulations done by staff and present them to the Study Session. Brandon added that the Tiny Homes guard rails are limited to zoned districts for residential or communities where they permit mobile homes. It is a limited scope, so if the council wanted to expand that or something, but it's limited at this time. GM Gruber asked if they have shipping container homes permitted? Brandon would need to check, but it would be much like a modular-type home. If they could meet the design, setback, and aesthetic requirements, they've met the city's requirements. Karen H added that they do have a Starbucks, and it was a difficult project to review.
- CM Berzins asked about the cost for tiny homes vs. shipping container homes. Bob Oliva responded that the shipping containers are the go-to pop-up device.
- Andrea Amonick suggested that the planning staff work with Mr. Berg to provide more information on how the current UDO handles this and what the impact might be. They need to work through some of the analysis and report back at the Study Session.
- CM Lawson asked how do future innovations get introduced or added to the building code? Scott responded that there is a request for modification or alternative construction provision in the building code. The code is



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reactive, but if they can show it meets the code, he can approve it. CM Berzins asked if a lot of codes will be changing with the energy changes from Washington? Scott responded that it's a three-year cycle, but there are provisions for approving alternative construction means.

- o CM Berzins, CM Gruber, and CM Lawson approved this item to be moved to the Study Session once staff has worked through some of the analysis and report back at the Study Session.

Does the Committee wish to adopt the 2021 International Codes as recommended by staff and forward the Ordinance onto Study Session for consideration by the whole Council?

Council Members Berzins, Gruber, and Lawson approve this item to be moved to the Study Session once staff has worked through some of the analysis and report back at the Study Session.

**Carried**

### 3.c Annual Small Business SBDC Update Pandemic 8/11/21

Marcia McGilley, Executive Director, Aurora-South Metro Small Business Development Center (SBDC)

- In September 2014, the South Metro Denver Small Business Development Center (SBDC) moved to the City of Aurora, and Aurora became the Host for the rebranded Aurora-South Metro SBDC during 2015. As the host organization, the full time Executive Director moved to the City.
- The Aurora-South Metro SBDC helps existing and new businesses grow and prosper by offering free and confidential business consulting and free/low-cost workshops. The Aurora-South Metro SBDC Center covers Aurora as well as Arapahoe, Douglas and South Adams and Jefferson counties. In 2020, the Aurora-South Metro SBDC served over 3,000 citizens with one-on-one consulting, presented 125 workshops and referred over 5,000 calls to the needed small business resources. Funding comes from several grants (SBA, CARES Act (separate from City funding), Minority Business Office, Connect2DOT, Childcare, Leading Edge), City of Aurora, municipalities, and public/private partnerships.
- The Aurora-South Metro SBDC achieved the following milestones from 1/1/2020 – 12/31/2020:
  - o Created **economic impact** to the local community (**City of Aurora**) - Jobs Created: 104, Jobs Retained: 152, Capital Formation: \$7.8M; Increased Sales Increase: \$17.3M; Contracts/Amount: \$1.7M

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- **Provided Exceptional Customer Service (CORE4 Value):** Client Satisfaction rating of 97% for consulting and 96% for workshop instruction (out of 100%)
- **Pandemic and Recovery Trends and SBDC Response Strategy - Discussion**
- **Additional Funding:** In 2020, the SBDC brought in much needed extra funding to meet the needs of the local business community. Over and above the \$155,000 from the Small Business Administration and \$9,000 from the State of Colorado, we received \$254,000 in supplemental funding from the CARES Act, \$10,000 from the Office of Minority Business, \$20,130 from the Department of Transportation and \$26,500 from the Office of Early Childcare; a total of approximately \$300,000 in additional funding.
- **Key strategic partnerships:** Chambers of Commerce, Aurora and Arapahoe Libraries, Arapahoe/Douglas Works! Workforce Center, PTAC, City of Aurora Retail Specialist, Community College of Aurora, Pickens Technical College, Office of International and Immigrant Affairs, NAACP, and others.
  - CM Lawson asked if they have training/consulting for people who want to start in Aurora with a tech type of innovation? Marcia responded that they put them through the SBDCs startup program. They have consultants that are competent and confident in doing one on one tech consulting. If it is not something that they have the expertise to take them from A to Z, they refer them within Colorado.
  - CM Gruber asked a question regarding a recent presentation he received about the impact due to the lack of childcare businesses moving into the area. Is there a way to emphasize or stress the creation of larger facilities to take care of children for the entire Aurora economy? Marcia responded that they added the home-based childcare and the center childcare program. They offer four per year and have experts on the City of Aurora team that know how to help entrepreneurs start and grow those businesses. CM Gruber is thinking of going beyond and incentivizing people to create childcare with funding for facilities. Andrea Amonick responded that Marcia and some development staff are working to help develop the childcare centers in redevelopment areas. CM Gruber responded that the only thing about the redevelopment areas is the location. They need to make sure they have centers near large employment centers. Kevin

added that Bob Oliva from Development Services had done a great job working behind the scenes working with Janel Highfill with the Community College of Aurora on retail locations that might be available. CM Berzins added that there are billions of dollars coming from the government to help with daycare.

**3.d Public Works Development Review Update**

Victor Rachael, Deputy Director, Public Works Engineering

- As part of the general business agenda of the March 10, 2021 meeting, Item 3a, 2020 Development Review Annual Report and Development Process Update, an overview of various departments on time review performance was discussed. The Public Works – Engineering were very far below the performance metric goals. At the PED Committee meeting in July, the committee requested follow-up and additional discussion around drainage reviews.
- Public Works will provide an update on current performance metric measures and a brief overview on drainage reviews. Victor presented a short presentation on where they are and touched on drainage reviews.
  - CM Berzins & CM Gruber responded that they are happy to hear this and hoping we hear the same feedback from Developers.
  - CM Gruber commented that the feedback he has received is that the Master Drainage Plan is the hold-up on many of the projects in the city. Victor responded that the Master Drainage Plan set's the baseline and is the first step in the process. With the improved on-time performance, not only in civil plans but in drainage reviews, including master drainage, those are moving forward much more quickly, including utilization of the outside consultants to make sure developers can continue in the development process. CM Gruber asked if they are using the outside consultants to assist in expediting the review. Victor responded that they are utilized to supplement city resources and distribute the workload to hit the deadlines. CM Berzins commented that the delay makes the prices go higher, with the longer the land sits and the building is delayed. Victor responded they are also seeing the increased cost on the city projects as well.
  - CM Berzins asked Victor to provide another quick update next month.

**4. Miscellaneous Matters for Consideration**

**4.a Aurora Economic Development Council**

- Yuriy Gorlov reported on:

There is good activity going on in the city. There is a lot of construction underway. Of the items they're tracking, there are 2.5 million square feet of construction in the city, and 3300 acres are entitled. Businesses are moving forward with plans. There is a lot of shuffling happening in the workforce. They have a couple of deals closing in the next couple of months. They are on track to bring another two thousand jobs to the city.

**4.b Havana Business Improvement District**

- Chance Horiuchi reported on:

HBID Sales Tax Update/June YTD Report Here: Notes from Bill Levine at the City of Aurora: Through the first half of the year, the Havana BID represents 9.38% of the sales tax collections from the entire city of Aurora. While this might have been slightly higher historically, I think I mentioned to you that over the last few years the BID contributed about 10-12% in sales tax of the City's total collections (as a result of court cases and an new ordinance passed by the City of Aurora), it is inevitably true that a growing percent of sales tax is collected from online sales (not from a store located anywhere in Aurora). So, I would view this percentage holding fairly steady as a positive given this fact.

Finally, I wanted to add one additional bit of analysis that very much relates to how I think about sales tax. You will see that YTD sales tax collections generated from the Havana BID are up 15.3%. Since we are comparing back to a time period (first half of 2020) that includes when the economy was partly shut down last year due to the pandemic, it can be hard to make sense of this number. Is it good? Normally 15.3% growth would be obviously good, but we are comparing to an extremely weird and bad year. So, I like to compare my numbers back to 2019 as my pre-pandemic baseline. The numbers show that Havana BID sales tax collections in the first half of 2021 are up 9.54% compared to the first half of 2019. My mind has a much easier time comprehending that last statistic; it is clearly good growth!

- New Businesses with updates from July 2021:  
NOW OPEN - Ross Dress for Less at the Gardens on Havana  
<<https://onhavanastreet.com/business/ross-gardens-on-havana/>>  
Cobblestone Auto Spa<<https://onhavanastreet.com/business/cobblestone-auto-spa/>> (Autawash/Autalube sold 5/26/2021) Coffee Story  
<<https://onhavanastreet.com/business/coffee-story/>> – Korean Coffee Shop & Café – June 2021

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- Events On Havana Street

August 11, 2021, 6:30pm. Ward IV Meeting, Juan Marcano, Aurora City Council Ward IV - Five Star Residences of Dayton Place, Presentation from Aurora Water on the city's water supply, future projections based on growth, and sustainability efforts. Followed by an open Q/A.

Thursday, August 19, 2021, 8 pm, \$50, Live Music – PANTEÓN ROCOCO at The Stampede

Saturday, August 21, 2021, 9pm, \$40, Live Music – VIVE TOUR 2021 at The Stampede

Sunday, August 22, 2021, 11-9pm, The Stampede, FREE, SarCO te invita al 6to Festival Salvadoreño/SarCO invites you to the 6th Salvadoran Festival

Thursday, August 26, 2021, 8am, Learn More at [www.ColoradoKRA.com](http://www.ColoradoKRA.com), 1st Koreatown Aurora Golf Tournament Fundraiser

Friday, August 27, 2021, 10am, FREE, Coffee & Donuts Networking at GEICO Insurance Agency – John Sanchez

Wednesday, September 8, 2021, 6:30pm-8pm, Aurora Central

Library, FREE, Ward III Town Hall – Candidate forum for Ward III and At-Large council seats, Learn More [Here](#)

Tuesday, September 28, 2021, 6:30 p.m. - 8:30 p.m., Doors Open at 6 p.m., FREE, Last Days of Summer Concert – Dotsero at The Stampede

Friday, October 1, 2021, 8 pm, FREE, Live Music – INSPECTOR, ELEFANTE at The Stampede.\* See more BID Stakeholder Events on our website, The BID will promote and share existing events here at <https://onhavanastreet.com/events/>

### 4.c Aurora Chamber of Commerce

- Kevin Hougen reported on:

They are seeing a record number of businesses joining the Chamber and a record number of ribbon cuttings. They have a ribbon cutting on August 12, 2021 at the new Aurora Eatery at the Town Center. On August 20, 2021, the recognition of the Armed forces will honor thirteen men and women in the armed forces. Molly Coombs will be hosting a business after hours on August 26, 2021 at the Homewood Suites on Tower close to the airport. On September 16-18, 2021 they have the Leadership Retreat in Breckenridge. The Forum for the City Council Candidates is on September 29, 2021 in council chambers. It's an opportunity to listen to the candidates in Wards I, II, III and at Large. There is a Rotary State of the City Luncheon on October 13, 2021. General Raymond, Commander of the United States Space Command, has invited the Aurora Chamber to the Pentagon in Washington DC on October 12-14, 2021. On November 10, 2021 they have a joint mission with the Military Affairs Committee of Colorado Springs.

The Association of Defense Communities has its annual event in San Antonio on November 1-3, 2021.

**4.d Planning Commission**

- Melvin Bush reported on:

Tonight, will be busy as they have two comprehensive plan amendment issues; one zoning map amendment and a couple of multifamily site plans. They have a 711, and a chick-fil remodel. They are looking at a car wash, demo, and a couple of multifamily projects.

**4.e Oil and Gas Committee**

- Brad Pierce reported on:

There is an Ordinance that a council member introduced to create a climate action committee and abolish the oil & gas committee, which is on the Study Session agenda for Monday, August 16, 2021. CM Berzins commented that she wasn't sure why it did not come through the Planning & Economic Development Committee.

**4.f Business Advisory Board**

- Elena Vasconez reported on:

They have a BAB Board meeting on Monday. The report will be available next month.

**4.g Retail**

- Bob Oliva reported:

There will be a retail update next month.

The sales are exceeding pre-pandemic numbers. There are significant workforce issues. They are meeting with Aurora ONE after this meeting regarding their project. There is momentum with what's going on in the Arts District. They have opened their research department with the latest technology for shopping center owners. There is a meeting to come with Bruce, Kevin, & Rob to discuss the 40,000 acres for the Inland Port project, a decent office and retail component, and

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is a game-changer. They have several childcare centers ready to go. The childcare business owners need money and know there is access to money but aren't sure how to connect the dots. They are connecting them with people who can help them work on grants.

### 4.h Small Business

- See item 3.c

### 4.i Visit Aurora

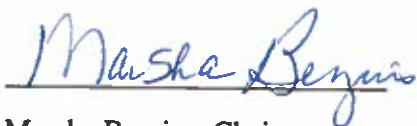
- Bruce Dalton reported on:

They hosted their official open house on July 29, 2021. They are open for business at The Stanley Marketplace. They plan to expand their visitor information kiosk and help areas in other parts of the city. The Colorado tourism office just got a report from Dean Runyan Associates about the whole state of the travel industry in 2020. It was reported that Colorado tourism spending plummeted nearly \$9 billion in 2020 and lost over 31,000 jobs. On a positive note, the hotels are seeing a solid recovery for the last 30 days, with an occupancy rate of 75%. Tax collections are solid right now. The one thing that is affecting our hotels and the lead volume is the Delta variant. They are hopeful that the current regulations will not change within the counties that they operate.

## 5. Confirm Next Meeting Date

September 8, 2021 at 8:30 AM Teleconferencing meeting

## 6. Adjournment



Marsha Berzins, Chair

Planning Update for the 8/11 PED  
Brandon Cammarata – Planning Manager  
303.739.7251; [bcammara@auroragov.org](mailto:bcammara@auroragov.org)

## **Tiny Homes in the Unified Development Ordinance (UDO)**

### **Definition**

A single-family dwelling constructed on a frame and capable of being transported on its own wheels but from which the wheels have been removed, that contains less than 400 square feet of gross floor area, and that meets either the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq.) or the building code.

### **Permitted Zone District**

RESIDENTIAL -- MANUFACTURED HOME PARK DISTRICT (R-MH).

- Tiny Homes are only permitted as a principal uses in the Manufactured Home zone district.
- Proposals must meet requirements for manufactured home parks which include; minimum lot size; outdoor common areas; streets or drives; pedestrian linkages, refuse disposal and lighting.

ADU (Accessory Dwelling Unit) Approach

- ADU's are only permitted in Original Aurora and require Planning Commission approval.
- When a Tiny Home is proposed as an ADU, it must follow design and site layout requirements.

## **Shipping Containers as Residential Structures in the Unified Development Ordinance (UDO)**

- Shipping containers would need to meet architectural design and materials requirements.
- Shipping containers would need to meet site layout requirements such as setbacks and minimum landscaping.





July 28, 2021

City of Aurora  
Public Works Department – Building Division  
15151 E. Alameda Parkway, Suite 2400  
Aurora, CO 80012

Attn: Scott Burg, AIA, Chief Building Official

Re: 2021 International Codes

Dear Scott,

Thank you for presenting the building department's position and thoughts regarding the adoption of the 2021 International Codes at the July 13, 2021 board meeting.

The Building Code and Contractor's Appeals and Standards Board is in support of your recommendation to adoption the 2021 International Codes.

If you should have any concerns or questions, please do not hesitate to contact me.

Sincerely,

**MEA Consulting Engineers, Inc.**

A handwritten signature in black ink, appearing to read "Michael E. Aitken", written over a horizontal line.

Michael E. Aitken, P.E. LEED AP O+M, CxA  
Board Chairman

## **SOME OF THE BIGGER CHANGES FOUND IN THE 2021 INTERNATIONAL CODES**

### **General Items**

1. One of the findings from this evaluation is that ICC has really made a good effort to align all the codes, so any conflicts between codes are minimized.

### **2021 International Building Code (IBC)**

2. 311.2 311.3 Alcoholic Beverage Storage – New occupancy group classifications for alcohol content above 16% to S-1 and below 16% to S-2.
3. 404.5 Smoke control in Atriums – Expanded exceptions for Atriums are greater than 2 stories with two conditions.  
Condition 1- only the two lowest stories can be open to the atrium  
Condition 2 – all stories above the lowest two shall be separated from the atrium.
4. 404.10 Exit Stairway in an Atrium – Five conditions have been added for exit stairways in Atriums.
5. 406.6.4 Mechanical Access Enclosed Parking Garages – Section added for access-controlled garages. 2hr separation from other occupancies. Smoke removal required. Fire control equipment and fire department access door required.
6. 407.2.7 / 420.9 Domestic Cooking Appliances in I-1 and I-2 Occupancies – Group I-2 which have domestic cooking appliances have six itemized requirements for code compliance.
7. 407.4.4.3 Access to Corridor – Group I-2 care suites shall have a door leading to an exit access with not more than 100 feet of travel.
8. 411.5 Puzzle Room Exiting Puzzle - Puzzle room exits have 3 options for code compliance.
9. 503.1.4 / 1006.3 Occupied Roofs – Occupied roofs are not included in building height. Method for egress from occupied roofs is defined.
10. Tables 504.3, 504.4, 506.2 Allowable Height, Stories Above Grade Plane, and Allowable Area – All tables have been revised for easier calculations.
11. 602.4 / 602.4.3 Type IV- C Construction – This section is revised to accommodate Mass Timber buildings along with heavy timber construction.

12. 703.6 Determination of Noncombustible Protection Time Contribution – Added section for mass timber protection for comparison against ASTM and UL standards.
13. 704.6.1 Secondary Attachments and Fire Proofing – Secondary steel attachments to have the same fireproofing for primary structural members.
14. 1010.2.4 Locks & Latches – Institutional use I-1 occupancy group now has special locking arrangements.
15. 1030.16 Handrails at Social Stairs – Social stair safety requirements are now in the building code.
16. 1107.2 Vehicle Charging Stations – Accessibility requirements for accessible parking spaces with charging stations in R-2, R-3, and R-4 occupancies.
17. 1110.6 Bottle Filling Stations – Accessible bottle filling stations requirements are now in the building code.
18. 1207 Enhanced Classroom Acoustics – Education occupancies have a stricter requirement for acoustics in classrooms that are deemed essential for learning.
19. 1210.3 Restroom Privacy – Concerns regarding privacy within public restrooms have been addressed by requiring a screening element at the entry to the restroom.
20. 3115 Intermodal Shipping Containers – Use of intermodal shipping containers as buildings and structures now address in code.

### **2021 International Residential Code (IRC)**

1. R302.2.2 Common Walls exception – Walls separating townhouses shall be fire- rated in accordance with two criteria. An exception is added for common walls.
2. R303.4 Mechanical Ventilation – Building and dwellings built in accordance with N1102.4.1 (Building Thermal Envelope) shall be provided with mechanical ventilation.
3. R310.4.2.2 Steps (Area Wells) – Formerly window wells; area wells are given minimum dimensions for steps for these areas.

4. R320.2 Accessibility for Live Work Units – Non-residential portions of these units shall meet accessibility requirements in the 2021 IBC.
5. R326 Habitable Attics – Habitable attics are addressed and given criteria for construction in houses.
6. R328 Energy Storage Systems – This new section provides direction for energy storage systems in houses.
7. R507.10 Exterior Guards (Decks) – Exterior guards for decks has requirements for constructability.
8. Table R602.10.3 Wall Bracing Requirements Based on Wind Speed – This table changed to account for the wind speeds for less than or equal to 95MPH.
9. R704 Soffits – Soffits has new criteria for windspeed and materials.
10. R802.6 Bearing – Roof bearing changes for wood roof framing.
11. N1101.7.2 Climate Zone Definitions – New climate zone definitions are included for the houses.
12. Table N1102.1.3 Insulation Minimum R-values and Fenestration Requirements by Component – Increased prescriptive insulation values.

### **2021 International Plumbing Code (IPC)**

1. 403.1.1 Exceptions 2 and 3 Fixture Calculations – The code recognizes new options for calculating fixtures based on occupant load.
2. 403.2 Exceptions 5 and 6 Separate Facilities – This section considers use of toilet rooms for all genders.
3. 410.3.2 /410.4 Drinking fountains – The code does not permit bottled water dispensers for substitutions to drinking fountains.

### **2021 International Energy Conservation Code (IECC)**

1. C405.3.2 Interior Lighting power allowance – New requirements for total building interior lighting power.
2. C405.4 Lighting for Plant Growth – This section gives criteria for lighting for commercial plant growth.
3. C405.11.1 Automatic Receptacle Control - Rough inspections were added to sequence of required inspections.
4. C406 Additional Efficiency Requirements – Credits are given for certain items in a new commercial building's energy plan.

### **2021 International Mechanical Code (IMC)**

1. 403.3.2.5 Ventilation Equipment – equipment shall be listed and labeled.
2. 502.20.1 Manicure and Pedicure Stations – Operation shall operate continuously while space is occupied.
3. 507.1 Exception 4. Commercial Kitchen Hoods - Requires a smoker oven to utilize an integral exhaust system or use type 1 grease hood.
4. 1105.9 Means of Egress – Machinery room larger than 1,000sf requires two exits.
5. 1107/1108/1109/1110 Refrigerant piping – New requirements for refrigerant piping.



## MEMORANDUM

**DATE:**

**TO:** Planning, and Economic Development Committee

**FROM:** Jose Rodriguez, Plan Review Manager, Public Works Dept., Building Division

**RE:** 2021 Code adoption summary

### **BACKGROUND**

Building codes are a set of rules that are to be followed to satisfy the minimum acceptable levels of safety for all buildings and structures. The objective of building codes is to ensure the health, safety and protection of the public when it comes to the construction and occupancy of buildings. Building codes stipulate details of the construction and maintenance of a building. These include fire safety rules; safety exits in buildings, limitations regarding how far a fire can spread and the provision of adequate firefighting equipment. There are also structural requirements; buildings need to be built strong enough to resist internal and external forces (wind, snow, etc.) without collapsing. Codes also cover health stipulations such as adequate air circulation, lighting and plumbing facilities.

The Building Division believes that adoption of the 2021 International Codes will allow the City of Aurora to stay current with the new national codes that have been developed to provide uniformity among different jurisdictions across the country. Architects, engineers and other design professionals are familiar with the current edition of these codes and adoption of the 2021 editions will allow for an easier interaction with the city of Aurora. Below is a summary of the jurisdictions that plan to adopt the 2021 Codes within the next 6-12 months.

Denver	Longmont	Thornton
Glenwood Springs	Westminster	Boulder County
Lakewood	Broomfield (April 2023)	Golden
Town of Erie	Lafayette	Lone Tree
State of Colorado Department of Public Safety Division of Fire Prevention and Control (July 2021)		

### **INTRODUCTION**

In 2015 Aurora City Council approved the adoption of the International Building Codes which became effective on November 15, 2015. The codes adopted at that time were the 2015 editions of the International Building Code, International Residential Code, International Mechanical Code,

International Fuel Gas Code, International Existing Building Code, International Energy Conservation Code and the International Plumbing Code.

The 2021 editions have now been published and are available for use and adoption by jurisdictions nationwide. For the Building Division to remain consistent with surrounding jurisdictions and enforce the most current building codes we are proposing that the city adopt the 2021 editions of these international codes. The proposed revisions to Chapter 22 of the City of Aurora Code to reflect the adoption of these codes are attached.

Groups representing the construction industry are familiar and supportive of the International Codes and adoption of the 2021 International Codes by the City of Aurora would allow the City to remain consistent with surrounding jurisdictions which have already adopted, or are soon planning on adopting these codes in the next six to twelve months. The City of Aurora Building Code and Contractor's Appeals and Standards Board has written a letter of support which are contained in the back up materials.

In an effort to provide education about the new code requirements the Building Division will provide free code training to the general public including city of Aurora licensed contractors and other industry representatives. This will allow any questions to be answered about upcoming changes and how they may affect future construction projects.

#### **STAFF RECOMMENDATIONS**

It is the recommendation of the Building Division to adopt the 2021 International Building Code, 2021 International Residential Code, 2021 International Mechanical Code, 2021 International Plumbing Code, 2021 International Energy Conservation Code, 2021 International Existing Building, 2021 International Swimming Pool and Spa Code and the 2021 International Fuel Gas Code. Adoption of these codes will contribute to maintaining a consistent and coordinated set of building codes for all new construction projects in the City of Aurora.

#### **ATTACHMENTS**

Revised Chapter 22 of the City Code of the City of Aurora reflecting 2021 I-Code adoption.  
Summary of significant changes contained in the 2021 version of the International Codes

#### **POLICY QUESTION FOR THE COMMITTEE**

Does the Committee wish to adopt the 2021 International Codes as recommended by staff and forward the Ordinance onto Study Session for consideration by the whole Council?





# 2021 Building Code Adoption

*City of Aurora, Building Division*



# 2021 International Codes Adoption

What are building codes?

Building codes are a set of rules to be followed to satisfy the minimum acceptable levels of safety for all buildings and structures.

The objective of building codes are to ensure the health, safety and protection of the public when it comes to the construction and maintenance of a building.



# 2021 International Codes Adoption

What has changed?

Building codes are modified and published on a 3 year cycle.

The city of Aurora currently has adopted the 2015 International Codes. The 2021 versions have now been published and we believe adopting this edition will allow Aurora to stay current and provide uniformity with other jurisdictions.



# 2021 International Codes Adoption

What codes are up for adoption?



# 2021 International Codes Adoption

Other local adoption of the 2021 International Codes



# 2021 International Codes Adoption

## Outreach

- Public input via email: [Aurora2021codeupdate@auroragov.org](mailto:Aurora2021codeupdate@auroragov.org)
- 2021 Code update training for the public
- 3–4 month transition period where applicants have the choice of 2015 or 2021 codes for projects
- Letter of support from the Building Codes and Contractors Appeals Board
- Support from JTF members including HBA



# 2021 International Codes Adoption

## Shipping Containers and Tiny House requirements

PEU Follow up - August 11, 2021, questions arose regarding “Tiny Homes” and using shipping containers as habitable structures.

- The building code will now clarify the methods of construction for these buildings. This does not change zoning allowances.
- Zoning Allowances
  - Tiny Homes – Limited to the Manufactured Home zone district (R-MH) or as an Accessory Dwelling unit in Original Aurora
  - Shipping Containers - These are not specifically addressed in the UDO, but they must comply with building design and site design standards if they are proposed.



## 2021 International Codes Adoption

Does Council support adoption of the 2021 International Codes?



## **CITY OF AURORA**

### **NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION OF CODES BY REFERENCE**

NOTICE IS HEREBY GIVEN of a public hearing on November 22, 2021, at 6:30 p.m. at the regular meeting of the City Council of the City of Aurora, Colorado regarding the adoption by reference of the 2021 codes published by the International Code Council, Inc, 500 New Jersey Ave, NW, 6<sup>th</sup> Floor, Washington D.C., 20001. THIS MEETING WILL BE A VIRTUAL MEETING, PLEASE GO TO THE CITY OF AURORA WEBSITE (AURORAGOV.ORG) FOR INSTRUCTIONS ON PARTICIPATION.

The 2021 International Code Council codes to be adopted by reference are as follows:

International Building Code (IBC)  
International Residential Code (IRC)  
International Plumbing Code (IPC)  
International Mechanical Code (IMC)  
International Fuel Gas Code (IFGC)  
International Energy Conservation Code (IECC)  
International Existing Building Code (IEBC)  
International Swimming Pool and Spa Code (ISPSC)  
International Fire Code (IFC)

Each of the above codes are available online at: <https://codes.iccsafe.org>.

The primary purposes of the codes are for building construction and greater safety to the public by uniformity in building laws and building fire safety. Any person may participate at such virtual hearing and speak upon any matter to be determined by the City Council. Copies of the codes being considered for adoption are on file with the City Clerk and are open to public inspection.

Kadee Rodriguez, City Clerk

Publication Dates: November 1, 2021 and November 10, 2021



ORDINANCE NO. 2021-\_\_\_\_

A BILL

FOR AN ORDINANCE AMENDING CHAPTER 22 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, REGARDING BUILDING AND BUILDING REGULATIONS, AND THE ADOPTION BY REFERENCE OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL EXISTING BUILDING CODE, AND THE INTERNATIONAL SWIMMING POOL AND SPA CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. That Section 22-2 is hereby amended to read as follows:

Sec. 22-2. - Fees.

Section 109 of the IBC adopted in section 22-131, section ~~406.6~~ **109** of the IFGC adopted in section 22-284, section ~~406.5~~ **109** of the IMC adopted in section 22-276, section ~~406.6~~ **109** of the IPC adopted in section 22-316 and section R108 of the IRC adopted in section 22-181 are each deleted in their entirety and amended to read as follows:

*Permit fees.* A permit shall not be issued until the applicable fees have been paid. The fee for each building permit shall be as set forth in a schedule of fees recommended by the chief building official and approved by the city manager. ~~Prior to the city manager's approval, the manager shall submit such proposed schedule of fees to the city council for its review. The determination of the permit fee to be assessed under any of the provisions of this code shall be made by the chief building official and shall be calculated from the fee determination assessment.~~

*Plan review fees.* When a plan or other data are required to be submitted a plan review fee shall be paid at the time of submitting plans and specifications for review. ~~Said plan review fee shall be as set forth in the approved schedule of fees. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the approved schedule of fees.~~ **invoice.**

***Building fees (square foot fees and flat fees).*** A permit shall not be issued until the applicable fees have been paid. The fee for each building permit shall be as set forth in a schedule of fees recommended by the chief building official and approved by the city manager. The determination of the building fee to be assessed under any of the provisions of this code shall be made by the chief building official.

**109.3 Permit valuations,** shall be amended as follows: 100 percent of the total estimated cost of construction materials and/or fixtures used in the building, construction, reconstruction, alteration, expansion, modification, or improvement of

**the building, dwelling, or structure for which the building permit is issued or the improvement for which the public improvement permit is issued shall be provided for the purpose of determining the appropriate use tax deposit to be paid to the City.**

*Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee **or building fee** in addition to the required permit fees **or building fee**.

*Waiver for phase III wood-burning device.* The chief building official shall waive the permit fee for the installation of a phase III certified solid fuel-fired heating device, as defined in section 146-2001, that is a direct replacement for a solid fuel-fired heating device.

*Waiver for natural gas conversion.* The chief building official shall waive the permit fee for the installation of a natural gas fuel-fired heating device that is a direct replacement for a solid fuel-fired heating device.

*Refunds:*

*Fee refunds.* The chief building official may **establish a refund policy to** authorize the refunding of fees, upon written application, ~~as follows~~ **including:**

- (1) The full amount of any fee paid hereunder which was erroneously paid or collected.
- (2) Not more than ~~80~~ **75** percent of the permit **fee or building** fee paid when no work has been done and ~~no plan review or~~ no inspections **have been** performed under a permit issued in accordance with this code.
- (3) Not more than ~~80~~ **75** percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

Section 2. That Section 22-3 is hereby amended to read as follows:

Sec. 22-3. - Board of appeals.

Section ~~442.4~~ **113.1** of the IBC adopted in section 22-131, section ~~409~~ **114.1** of the IPC adopted in section 22-316, section ~~409~~ **114.1** of the IMC adopted in section 22-276, section ~~409~~ **113.1** of the IFGC adopted in section 22-284, and section R112 of the IRC adopted in section 22-181 are each deleted in their entirety and amended to read as follows:

*Board of appeals.* General. Appeals from orders, decisions or determinations made by the chief building official regarding the application and interpretation of this code shall be heard by the building code and contractor's appeals and standards board as established by chapter 22, article II, of the city Code.

Section 3. That Section 22-4 is hereby amended to read as follows:

Sec. 22-4. - Unlawful acts.

Section ~~443.4~~ **114.1** of the IBC adopted in section 22-131, section ~~408.4-4~~ **115.1** of the IPC adopted in section 22-316, section ~~408.4~~ **115.1** of the IFGC adopted in section 22-284, section ~~408.4~~ **115.1** of the IMC adopted in section 22-276, and section R113.1 of the IRC adopted in section 22-181 are each deleted in their entirety and amended to read as follows:

*Unlawful acts.* It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, move, remove, convert or demolish, equip, use, occupy or maintain any building, or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this code or of the provisions of any code adopted by reference herein. Any person, firm or corporation violating any of the provisions of this code or any provision of any code adopted by reference herein shall, upon conviction thereof, be punished as provided in the city Code of the City of Aurora, section 1-13.

Section 4. That Section 22-5 is hereby amended to read as follows:

Sec. 22-5. - Stop work order.

Section 414.4 **115** of the 2006 **2021** IBC, 108.5 of the IMC, 108.5 of the IFGC, 108.5 of the IPC and Section R114.1 of the IRC are amended to read as follows:

~~*Authority.* Whenever the chief building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the chief building official is authorized to issue a stop work order.~~

~~*Issuance.* The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.~~ **Posting of a written notice in a conspicuous location on the property shall be considered adequate notice when such persons are not available on the premises. Removal of such notice by unauthorized persons shall be unlawful.**

~~*Unlawful continuance.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.~~

Section 5. That Section 22-6 is hereby amended to read as follows:

Sec. 22-6. - Notice of violation.

Section 408.2 **115.2** of the IFGC, Section 408.2 **115.2** of the IPC, Section 408.2 **115.2** of the IMC, R404.3 **R113.2** of the IRC, and 443.2 **114.2** of the IBC are each deleted in their entirety and amended to read as follows:

*Notice of violation.* The chief building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. Posting of a written notice in a conspicuous location on the property shall be considered adequate notice when such persons are not available on the premises. Removal of such notice by unauthorized persons shall be unlawful. Upon the notice posted on the property shall be stated the violation by section number of this code.

Section 6. That Section 22-7 is hereby amended to read as follows:

Sec. 22-7. - Violation penalties.

Section ~~408.4~~ **115.4** of the IFGC, section ~~413.4~~ **114.4** of the IBC, section ~~R114.4~~ **R113.4** of the IRC, section ~~408.4~~ **115.4** of the IMC, and section ~~408.4~~ **115.4** of the IPC are hereby deleted in their entirety and amended to read as follows:

Any person, firm or corporation violating any provision of this article or failing to comply with any of the provisions of this article or violating any of the provisions or failing to comply with any of the provisions of this code shall, upon conviction thereof, be punished as provided for in section 1-13 of the city Code. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use which it authorized is lawful. The issuance or granting of a permit or approval of plans shall not prevent the administrative authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this code or of any other ordinance or from revoking any certificate of approval when issued in error.

Section 7. That Section 22-32 is hereby amended as to subsection (b) to read as follows:

Sec. 22-32. - Appeals from administrative action.

- (a) *Method of application.* Prior to an action by the building code board and within 30 days from the date of the action of the administrative official appealed from, an application shall be filed in the office of the chief building official on a form providing all the information required by the board, and the application fee shall be paid. The application shall contain a short and concise statement of the action appealed from, the action requested of the board and the grounds for the appeal. If the appellant will be accompanied or represented by an attorney, the application shall so state; if the appellant does not thus give notice of attorney in writing filed in the office of the chief building official at least ten days prior to the meeting, the building code board shall, upon the appellant's or his or her agent's appearing accompanied or represented by an attorney, postpone the hearing of appellant's application to a date and time not less than ten days subsequent from the meeting. The application shall not be considered unless filed at least ten days prior to the meeting.
- (b) *Fee.* Upon application, fees in the amount established by the ~~director of development services~~ **city manager** in accordance with the provisions of section 2-587 of this Code for a regular meeting or for a special meeting shall be paid to the city. The fee shall be returned to the appellant at the discretion of the building code board and if the board finds that the position of the appellant as set forth in the application is substantially sustained.
- (c) *Notice to board.* Upon filing of the application or any paper or notice permitted or required, the chief building official or the official's designated representative for appeals matters shall forthwith cause the application, paper or notice to be delivered to the appropriate official of the building code board and a copy thereof to the city attorney.
- (d) *Effect of appeal.* The filing of an application shall not stay the action of the administrative official appealed from, except as provided in article III of this chapter in the case of suspension or revocation of licenses, registration certificates or certificates of qualification.

Section 8. That Section 22-91 is hereby amended as to subsection (3) and amended to add a new subsection (18) to read as follows:

Sec. 22-91. - Classification of licenses.

There shall be various classes of contractor licenses, and the holder thereof shall be authorized to perform the following:

- (1) *Commercial building contractor.* To erect, add to, alter, demolish or repair any building or structure. Scope of allowable work also includes: fences over seven feet; roofing of all types and on all buildings; solar energy installations; hook, set and tie for construction and sales trailers on commercial and residential properties; racking and storage systems; other work as approved by the chief building official.
- (2) *Residential building contractor.* To erect, add to, alter or repair any International Residential Code (IRC) defined group R-3 or any group U occupancy building. Scope of allowable work also includes: decks; patio covers; carports; roofing of R-3 and group U buildings only; sunrooms; fences; seasonal use rooms; sheds; residential garages (i.e. group U); residential solar energy installations; hook, set and tie for construction and sales trailers on residential properties; and other work as approved by the chief building official.
- (3) *Roofing contractor.* Installation, repair, and removal of all types of roof coverings on all building types. scope of allowable work includes: installation of all types of roofing materials; valleys; gutters and downspouts; **residential siding**; other work as approved by the chief building official.
- (4) *Swimming pool contractor.* Installation of all types of swimming pools (commercial and residential), and hot tubs (except utilities).
- (5) *Fire alarm systems contractor.* To install, add to, alter or repair fire alarm systems of all types.
- (6) *Fire extinguishing systems contractor.* To install, add to, alter or repair all types of fire-extinguishing systems, including commercial hood and duct systems; wet chemical systems; dry chemical systems; foam systems; carbon dioxide systems; halon systems; clean agent systems; automatic water mist systems; commercial cooking systems.
- (7) *Fire sprinkler systems contractor.* To install, add to, alter or repair automatic fire sprinkler and standpipe systems of all types.
- (8) *Underground fire service line contractor.* To install, add to, alter or repair approved underground fire service lines.
- (9) *Fuel tank contractor.* To install, remove, alter or repair above ground (AST), or underground (UST) fuel storage tanks.
- (10) *Emergency responder radio systems contractor.* To install, remove, alter or repair approved emergency responder radio coverage systems.
- (11) *Mobile home installer.* Installation of mobile homes, including leveling, blocking, skirting, electrical, gas, water and sewage connection and permitted accessory items.
- (12) *Remodeling contractor.* Nonstructural work and repairs on single-family dwellings, including siding removal and installation; basement finish work; nonstructural metals for all types of buildings or structures such as guardrails, handrails, stair replacements; other work as approved by the chief building official.

Scope of excluded work from this license includes, but is not limited to: any load bearing or structural building elements such as columns, joists, beams, trusses, girders or similar structural components; fire rated walls or partitions; decks; balconies; patio covers;

roofing; pergolas; ramps; sun shades or canopies; carports; sunrooms; fences; seasonal use rooms; sheds; residential (group U) garages; solar energy installations; hook, set and tie for construction and sales trailers on residential properties.

- (13) *Demolition contractor.* To demolish any building, structure or utilities or portion thereof except fuel storage tanks. A commercial building contractor is allowed to demolish any building type allowed to be built under that license; a residential building contractor is allowed to demolish residential buildings allowed to be built under that license.
- (14) *Sign contractor.* To fabricate, install, erect or maintain all types of signs except electrical wiring and connections which must be installed by a State of Colorado licensed electrical contractor.
- (15) *Mechanical systems contractor.* In all building types, the installation, removal, alteration, or repair of all types of heating and cooling systems. Scope of allowable work includes: warm air heating, venting, evaporative and refrigeration cooling, exhaust systems and their appurtenances; steam and hot water systems; process piping and related accessories; fuel gas piping; refrigeration systems and related accessories; other mechanical work as approved by the chief building official.
- (16) *Residential elevator contractor.* To install, add to, alter or repair elevators, escalators, moving walks and ramps and dumbwaiters located in single-family homes.
- (17) *Right-of-way contractor.* The holder of a public right-of-way contractor license shall be licensed for all types of concrete construction; replacement or repair of all types of concrete work that is in or will be in the public right-of-way; for all types of asphalt construction, replacement or repair of all types of asphalt paving that is in or will be in the public right-of-way; for all types of excavation work, including but not limited to water mains, sanitary sewer mains, storm sewer mains, underground TV cable lines, water or sewer service lines, petroleum transmission lines and natural gas lines that will be placed in the public right-of-way; for all types of grading and earthwork, including fills, embankments, sub-grade preparation and gravel base course construction, that are in or will be in the public right-of-way.
- (18) **Limited building commercial contractor. To install storage racks; art structures; fences; commercial solar systems; commercial prefabricated shade structures; bollards; construction trailers; other work as approved by the chief building official.**

Section 9. That Section 22-101 is hereby amended as to subsection (b) to read as follows:

Sec. 22-101. - Suspension or revocation.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Revocation* means that the license or certificate of qualification shall become null and void. The licensee or certificate holder may reapply for a new license or certificate of qualification one year from date of revocation.

*Suspension* means, for licensees, that the authority of the licensee to perform work or supervise, as authorized by the license, and, for holders of certificates of qualification, that the qualification and authority of the certificate holder to perform work or supervise work, as

authorized by the certificate, is temporarily withdrawn for any period of time from a period of 24 hours up to and including but not to exceed six months.

(b) *Authority.* The building division may suspend or revoke a license or certificate of qualification when the licensee or certificate holder commits one or more of the following acts or omissions:

- (1) Fails to comply with any of his or her responsibilities as outlined in this article;
- (2) Knowingly conspires with a person to permit his or her license or certificate of qualification to be used by another person;
- (3) Acts as an agent, partner, associate or acts in any capacity with persons to evade any provisions of this chapter;
- (4) Violates any provision of this chapter; or
- (5) That the licensee fails to pay laborers, materialmen or subcontractors on a project or wrongfully permits the filing of a mechanic's lien by any such laborer, employee, materialman or subcontractor under control of the licensee or registrant.

**(6) Incompetence.**

**(7) Misuse of the license.**

**(8) Threatens or assaults any representative of the city.**

**(9) Creates, as a result of work performed, an unsafe condition as defined by the code.**

**(10) Repeatedly or willfully violates or disregards any of the provisions of this code or repeatedly fails to obey orders of the building official.**

(c) *Licensee responsibility for correction.* If the circumstances or events leading to a revocation or suspension of a license are correctable, as determined by the chief building official, the correction of circumstances or events by the licensee shall be a condition for reinstatement of a suspended license or reapplication of a revoked license.

Section 10. That Section 22-130 is hereby amended to read as follows:

Sec. 22-130. - Title.

Section 101.1 of the IBC is deleted in its entirety and replaced with the following:

These regulations shall be known as the Building Code of Aurora, **hereinafter referred to as "this code"**.

Section 11. That Section 22-131 is hereby amended to read as follows:

Sec. 22-131. - Code adopted.

The International Building Code, 2015<sup>21</sup> edition, first printing, dated May 2015, **October 2020**, published by the International Code Council, Inc., including appendix chapters C, E, I, ~~published by the International Code Council, Inc.~~ is hereby adopted, **except as amended in this Chapter**. The International Building Code is dedicated to the development of better building construction and greater safety to the public by uniformity in building laws, and not less than three copies of the code are on file at the offices of the city clerk, the city attorney, and the chief building official, and open to inspection by the public at reasonable times. Where the abbreviation "IBC" appears in this article, this shall mean the International Building Code, 2015<sup>21</sup> edition. Where the abbreviation "IRC." appears in this article, this shall mean the International Residential Code,

2015~~21~~ edition. Where the abbreviation "IPC" appears in this article, this shall mean the International Plumbing Code, 2015~~21~~ edition. Where the abbreviation "IMC" appears in this article, this shall mean the International Mechanical Code, 2015~~21~~ edition. Where the abbreviation "IFGC" appears in this article, this shall mean the International Fuel Gas Code, 2015~~21~~ edition. Where the abbreviation "IECC" appears in this article, this shall mean the International Energy Conservation Code, 2015~~21~~ edition. Where the abbreviation "IEBC" appears in this article, this shall mean the International Existing Building Code, 2015~~21~~ edition. **Where the abbreviation "ISPSC" appears in this article, this shall mean the International Swimming Pool and Spa Code, 2021 edition.**

Section 12. That Section 22-133 is hereby amended to read as follows:

Sec. 22-133. ~~Department of building safety~~**Code compliance agency.**

Section 103 of the IBC adopted in section 22-131 is deleted in its entirety.

Section 13. That Section 22-135 is hereby amended to read as follows:

Sec. 22-135. - Work exempt from permit.

Section 105.2, "Work exempt from permit", ~~exception~~**Item 1** of the IBC is deleted in its entirety and replaced with the following:

1. One-story detached accessory residential storage shed or playhouse provided the floor area does not exceed 120 square feet and is not used for storage of vehicles.

Section 105.2. "Work exempt from permit", ~~exception~~**Item 2** of the IBC is ~~amended by adding the following:~~**deleted in its entirety and replaced with the following:**

2. **Fences not over 7 feet high and all chain link fences.**

Section 105.2, "~~w~~**Work** exempt from permit", of the IBC shall be amended by adding the following exception Item 14:

14. **Antennae and towers not in excess of 25 feet in height shall not require permits.**

Section 14. That Section 22-137 is hereby amended as to subsection (a) to read as follows:

Sec. 22-137. - Minimization of construction activity impact on residential neighborhoods.

Section 105 of the IBC adopted in section 22-131 is amended by adding the following:

- (a) All exterior work required for construction of new additions, garages (attached and detached), patio covers, decks, swimming pools, gazebos, sun rooms, porches, and carports, **roofing**, required to be permitted by the City of Aurora building codes, commenced by a homeowner acting as contractor shall be completed within one year of the issuance of the permit for such work. Failure to complete all exterior work within the one-year period shall void the permit, and require reapplication for a six-month permit extension for the work, and the fee therefor shall be the full amount required for the original work. A homeowner acting as contractor may apply for one and only one such extension for one additional six-month extension within which the work must be completed. Failure to acquire such an extension or failure to complete such exterior work under such an extension shall constitute a violation of this section as described in subsection (b) below.



- (b) It shall be unlawful for a homeowner acting as contractor to undertake, maintain, or continue construction without a lawfully issued, current building permit unless such structure is exempt from a building permit requirement.
- (c) This section shall apply to current building permits issued prior to the effective date of this section. The one-year period shall commence upon the effective date of this section.

Section 15. That Section 22-138.1 is hereby amended to read as follows:

Sec. 22-138.1. - Compliance with utility undergrounding requirements.

Section 112.1 ~~service utilities~~ **“Connection of service utilities”** of the IBC adopted in section 22-131 is amended by adding the following:

The issuance of a certificate of occupancy shall be conditioned upon compliance with the covenants provided for in subsection 146-2123(J) of this code.

Section 16. That Section 22-141 is hereby amended to read as follows:

Sec. 22-141. – ~~Door security~~ **Locks and Latches.**

Section 310 of the IBC adopted in section 22-131 is amended by adding the following:

- (a) Every exterior door from any individual dwelling unit or guestroom of a group R occupancy, except hotels and motels, as defined in section 310 of the IBC adopted in section 22-131, shall be equipped with a deadbolt unless prohibited by the fire code. For purposes of this section any door between the main dwelling unit and an attached garage shall be deemed to be an exterior door, requiring the installation of a deadbolt. A deadbolt, as defined in this section, shall be deemed to be a lockbolt which does not have a spring action. The deadbolt required by this section shall be designed to be actuated by a key from the exterior and a knob or thumb turn from the interior.
- (b) Exterior sliding glass doors in group R occupancies, except hotels and motels, shall be equipped with either a locking bar device or a pin or bolt device.
- (c) No deadbolt or other security device shall be mounted or installed at a height in excess of 48 inches above the finished floor.
- (d) This section shall not prohibit the optional installation of additional types of security devices such as night latches and security chains as provided for in the building code adopted in section 22-131.
- (e) This section will apply to all applicable structures on which building permits are issued on or after September 1, 1983.

Section 17. That Section 22-146 is hereby amended to read as follows:

Sec. 22-146. - Care facilities in ~~R-3 occupancies~~ **within a dwelling.**

Section ~~310.5~~ **310.4.1** of the IBC is amended by changing the statement on "Care facilities" to read:

Care facilities that provide accommodations for six or fewer persons receiving care.

Section 18. That Section 22-148 is hereby amended to read as follows:

Sec. 22-148. - Roof drainage.

Section ~~1503.4~~ **1502.1** of the IBC is amended by adding the following paragraph:

All roofs of Group R occupancies that are sloped to drain over the edges shall have gutters and downspouts. All downspouts shall have at least a five-foot splash block or a five-foot downspout hinged section to direct water away from foundations.

Exceptions:

- (1) On roofs having a projection beyond the wall of the building of at least four feet, gutters may be omitted except at entrances to and exits from the building.
- (2) Gutters are not required on patio covers, awnings, greenhouses, and sheds which do not receive drainage from the building roof.
- (3) Gutters are not required on roofs which drain onto another roof which complies with this section.

Downspouts shall not be constructed in such a manner as to drain across primary walkways serving any type of residential unit or tenant space, nor shall they discharge in such fashion as to divert drainage onto adjacent properties.

Section 19. That Section 22-149 is hereby amended to read as follows:

Sec. 22-149. - Structural design criteria.

Section ~~1603.1~~ of the IBC is amended to add the following:

Snow and wind loads are as designated in section 22-186 of city code. Earthquake loads are in accordance with section 1613 of the IBC.

Section 20. That Section 22-151 is hereby amended to read as follows:

Sec. 22-151. - Establishment of flood hazard areas.

Section ~~1612.3~~ of the IBC adopted in section 22-131 is deleted in its entirety and amended to read as follows:

The establishment of flood hazard areas is governed solely by the regulations listed in Chapter 70 of the City of Aurora City Code.

Section 21. That Section 22-180 is hereby amended to read as follows:

Sec. 22-180. - Title.

Section R101.1 of the IRC adopted in section 22-181 is amended to read as follows:

These regulations shall be known as the Residential ~~Building~~ Code for One and Two Family Dwellings of **the city of Aurora, and shall be cited as such and will be referred to** hereinafter ~~referred to~~ as "this code".

Section 22. That Section 22-181 is hereby amended to read as follows:

Sec. 22-181. - Code adopted.

The International Residential Code, 2015~~21~~ edition, first printing, ~~May 2015~~, **January 2021**, published by the International Code Council, Inc., including ~~appendix~~ **appendices** chapters **AH, AQ, AR, AS, AU, AW** referenced herein in their entirety are hereby adopted with the amendments as noted in this article and as may be made, from time to time. The International Residential Code is dedicated to the development of better building construction and greater safety to the public by uniformity in building laws, and not less than three copies of each code are on file at the offices of the city clerk, the city attorney, and the chief building official, and open to inspection by the public at reasonable times. Where the abbreviation "IRC" appears in this article, this shall mean the International Residential Code, 2015~~21~~ edition.

Section 23. That Section 22-184 is hereby amended as follows:

Sec. 22-184. - Work exempt from permit.

Section R105.2, ~~exception~~ **Item 1** of the IRC is deleted in its entirety and replaced with the following:

1. One-story detached accessory residential storage sheds, playhouses, or shade structures provided the floor area does not exceed 120 square feet, is not attached to the residence, and is not used for storage of vehicles.

~~Section R105.2 exception 10, of the IRC as is deleted in its entirety and replaced with the following:~~

- ~~10. Decks that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by section R311.2.~~

Section 24. That Section 22-185 subsection (a) is hereby amended to read as follows:

Sec. 22-185. - Minimization of construction activity impact on residential neighborhoods.

Section R105.5 "Expiration" of the IRC adopted in section 22-181 is amended by adding the following:

- (a) All exterior work required for construction of new additions, garages (attached and detached), patio covers, decks, swimming pools, gazebos, sun rooms, porches, **roofing**, and carports, required to be permitted by the City of Aurora building codes, commenced by a homeowner acting as contractor shall be completed within one year of the issuance of the permit for such work. Failure to complete all exterior work within the one-year period shall void the permit, and require reapplication for a six-month permit extension for the work, and the fee therefor shall be the full amount required for the original work. A homeowner acting as contractor may apply for one and only one such extension for one additional six-month extension within which the work must be completed. Failure to acquire such an extension or failure to complete such exterior work under such an extension shall constitute a violation of this section as described in subsection (b) below.
- (b) It shall be unlawful for a homeowner acting as contractor to undertake, maintain, or continue construction without a lawfully issued, current building permit unless such structure is exempt from a building permit requirement.
- (c) This section shall apply to current building permits issued prior to the effective date of this section. The one-year period shall commence upon the effective date of this section.

Section 25. That Section 22-186 is hereby amended to read as follows:

Sec. 22-186. - Climatic and geographic design criteria.

Table R301.2(1) "Climatic and Geographic Design Criteria" of the IRC is amended to read as follows:

Ground Snow Load: ~~34~~ **40** pounds per square foot.

~~Roof Snow Load 30 pounds per square foot--Unreducible.~~

Wind design:

**Wind Speed for Risk Category I Structures: 100 miles per hour for 3-second gust**

Wind Speed for Risk Category II Structures: ~~115~~ **105** miles per hour for 3-second gust

Wind Speed for Risk Category ~~IV~~ **III** Structures: ~~120~~ **110** miles per hour for 3-second gust

**Wind Speed for Risk Category IV Structures: 115 miles per hour for 3-second gust**

Topographic Effects: No

Special Wind Region: Yes

Wind-Borne Debris Zone: No

Seismic Design Category: B

Subject to Damage from Weathering: Severe

Frost Line Depth: 36 inches

Subject to Damage from Termite: Slight to moderate

Subject to Damage from Decay: None to slight

Winter Design Temperature: 1 Degree (F)

Ice Shield Underlayment required: Yes

Flood Hazards: Varies, refer to City of Aurora Code, Chapter 70

Air Freezing Index: 712

Mean Annual Temperature: 50.3 Degrees F

Section 26. That Section 22-193 is hereby amended to read as follows:

Sec. 22-193. - Subflooring.

Section ~~R503.2.1.1~~ **R503.2.3** of the IRC adopted in section 22-181 is amended by adding the following.

All subflooring in new type R occupancies shall be attached to structural members by both screws and glue or shall be of tongue and groove type with attachment by screws or ring

shank nails. All such installations shall be in compliance with the building code and manufacturer's recommendations for the utilized materials.

Section 27. That Section 22-196 is hereby amended to read as follows:

Sec. 22-196. - Roof construction.

Section ~~R801.3~~ **R903.4** of the IRC is amended to add the following:

**R903.4.2** Gutters and downspouts.

All roofs sloped to drain over roof edges shall have gutters and downspouts. All downspouts shall have at least a five-foot splash block or a five-foot downspout hinged section to direct water away from foundations.

Exceptions:

- (1) On roofs having a projection beyond the wall of the building of at least four feet, gutters may be omitted except at entrances to and exits from the building.
- (2) Gutters are not required on patio covers, awnings, greenhouses, and sheds which do not receive drainage from the building roof.
- (3) Gutters are not required on roofs which drain onto another roof which complies with this section.

Downspouts shall not be constructed in such a manner as to drain across primary walkways serving any type of residential unit or tenant space, nor shall they discharge in such fashion as to divert drainage onto adjacent properties.

Section 28. That Section 22-200 is hereby amended to read as follows:

Sec. 22-200. - Sewer depth for private sewage disposal systems.

Section ~~P2603.6.4~~ **P2603.5.1** of the IRC adopted in section 22-181 is deleted in its entirety and amended to read as follows:

~~P2603.6~~ **P2603.5.1** Sewer depth for private sewage disposal systems.

Building sewers that connect to private sewage disposal systems shall be installed in accordance with Tri-County Health Department requirements.

Section 29. That Section 22-201 is hereby amended to read as follows:

Sec. 22-201. - Floor drains.

Section ~~P2719.1~~ of the IRC adopted in section 22-181 is amended adding the following:

Floor drains must be installed in a space that is in full view and may not be installed in a crawl space or attic.

Section 30. That Section 22-203 is hereby amended to read as follows:

Sec. 22-203. - Code adopted.

The International Energy Conservation Code, 2015~~21~~ edition, first printing, ~~May 2015~~ **January 29, 2021**, published by the International Code Council, Inc. is hereby adopted with the amendments as noted in this article and as may be made, from time to time. The International Energy Conservation Code is designed to achieve the effective use of energy and not less than three copies of each code are on file at the offices of the city clerk, the city attorney, and the chief building official, and open to inspection by the public at reasonable times. Where the abbreviation "IECC" appears in this article, this shall mean the International Energy Conservation Code, 2015~~21~~ edition.

**Section C101.1 of the energy code adopted in Sec. 22-203 is deleted in its entirety and amended to read as follows:**

**This code shall be known as the Energy Conservation Code of the city of Aurora and shall be cited as such. It is referred to herein as "this code".**

Section 31. That Section 22-213 subsection (f) is hereby amended to read as follows:

Sec. 22-213. - Permits and inspections required.

Article 110.1 of the N.E.C. is amended by adding the following:

- (a) Before any electrical construction work is started, whether the installation of new wiring or apparatus or the repairing of wiring or apparatus already in use, the person responsible for such work shall have paid for and received an electrical permit allowing such work. An application shall be filed with the building division explaining in detail the material and appliances intended to be used, replaced, or installed. Such application shall give the location of the work by street and number and shall be countersigned by the person under whose supervision it is to be done, and, if found proper and conforming with the rules and regulations contained in this article and the electrical code adopted in section 22-211, a permit shall be issued by the building division.
- (b) Electrical contractors shall furnish such plans and specifications of the proposed work as may be deemed necessary by the building division before any permit for the work shall be issued.
- (c) It shall be unlawful for any person to allow his or her license to be used fraudulently to obtain electrical permits for another.
- (d) Electrical inspections shall be requested in a timely manner so as to permit inspection of work without removal or alteration of any part of the structure for inspection purposes.
- (e) It shall be unlawful for any person to erect, install, alter, repair, add to or replace electrical equipment or installations within the city or cause or permit such to be done contrary to or in violation of any provision of the electrical code adopted in section 22-211 by reference. Any person violating any provision of this article or failing to comply with the provisions of the electrical code adopted in section 22-211 shall, upon conviction thereof, be punished as provided for in section 1-13 of the city Code.
- (f) Permit fees for electrical work are as established and adopted as published by the Colorado State Electrical Board **or as set forth in a schedule of fees recommended by the chief building official and approved by the city manager.**
- (g) Sections 22-4, 22-5, 22-6 of the city Code are to be referenced concerning lawful inspection of equipment.

- (h) The building official may, in writing, suspend or revoke a permit issued under this article whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation of any provision of this article.
- (i) Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 32. That Section 22-276 is hereby amended to read as follows:

Sec. 22-276. - Code adopted.

The International Mechanical Code, 2015~~21~~ edition, first printing, March 2020, published by the International Code Council, Inc., including appendix A, referred to in this article as the "IMC," is adopted in its entirety with amendments as noted in this article and as may be made from time to time. Copies of the mechanical code are available for inspection at the offices of the city clerk, the city attorney, and the chief building official.

Section 101.1 of the mechanical code is **deleted in its entirety and** amended to read as follows:

These regulations shall be known as the International Mechanical Code of the city of Aurora hereinafter referred to as ~~the mechanical code~~ **"this code"**.

Section 33. That Section 22-278 is hereby amended to read as follows:

Sec. 22-278. - ~~Department of mechanical inspection.~~ **Code compliance agency.**

Section 103 of the IMC adopted in section 22-276 is deleted in its entirety.

Section 34. That Section 22-284 is hereby deleted in its entirety.

~~Sec. 22-284. - Title.~~

~~Section 101.1 of the fuel gas code adopted in section 22-285 is amended to read as follows:~~

~~These regulations shall be known as the International Fuel Gas Code of the City of Aurora hereinafter referred to as the fuel gas code.~~

Section 35. That Section 22-285 is hereby amended to read as follows:

Sec. 22-285. - Codes adopted.

The International Fuel Gas Code, 2015~~21~~ edition, **first printing, August 2020**, published by the International Code Council, Inc., including appendix B, referred to in this article as the "IFGC," is adopted in its entirety with amendments as noted in this article and as may be made from time to time.

Section 101.1 of the fuel gas code is **deleted in its entirety and** amended to read as follows:

These regulations shall be known as the International Fuel Gas Code of the City of Aurora hereinafter referred to as ~~the fuel gas code~~ **"this code"**. ~~Copies of the fuel gas code are~~

~~available for inspection at the offices of the city clerk, the city attorney, and the chief building official.~~

Section 36. That Section 22-286 is hereby amended to read as follows:

Sec. 22-286. – ~~Department of inspection~~ **Code compliance agency.**

Section 103 of the IFGC adopted in section 22-284 is deleted in its entirety.

Section 37. That Section 22-287 is hereby amended to read as follows:

Sec. 22-287. - Appliance location.

Section 303.3 Prohibited Locations of the IFGC adopted in section 22-284 is amended by adding the following exception:

Exceptions: ~~67.~~ Except in R occupancies, fuel burning appliances vented through a draft hood shall not be installed in the same room that contains a kitchen exhaust hood.

Section 38. That Section 22-288 is hereby amended to read as follows:

Sec. 22-288. – ~~Gas pipe strain~~ **Avoid strain on gas piping.**

Section 305.12 of the IFGC is amended by adding the following:

In buildings and structures designed for expansive soils and where there is danger of differential movement between the appliance and the gas supply piping, all gas-fired appliances shall be connected to the piping by an approved semi-rigid or flexible metal connector in accordance with the International Fuel Gas Code, section 411.

Section 39. That Section 22-290 is hereby amended to read as follows:

Sec. 22-290. – ~~Gas log installations and decorative appliances.~~ **Decorative appliances for installation in fireplaces.**

Section 602.1 ~~General Decorative Appliances~~ **Decorative appliances for installation in fireplaces** of the IFGC adopted in section 22-284-~~5~~ is amended to read as follows:

In addition to the general requirements specified in section 602, every vented decorative appliance shall comply with the requirements specified for heating equipment and heating appliances of this code.

Approved gas logs may be installed only in solid fuel burning fireplaces, provided:

- (1) If the fireplace is equipped with a damper, the damper shall be removed, permanently blocked partially open, or an opening cut into the damper to provide a minimum flue opening such that there shall be no less than one square inch of opening for each 2,000 Btu/h input.
- (2) Gas logs must be approved by an approved testing agency.
- (3) Gas pipe joints shall be tested by the installing contractor in the presence of the inspector. The test shall be a "liquid soap" test or other approved test.
- (4) Ventless Decorative Appliances are prohibited.



Section 40. That Section 22-316 is hereby amended to read as follows:

Sec. 22-316. - Code adopted.

The International Plumbing Code, 2045**21** edition, **first printing, March 2020**, published by the International Code Council, including appendices B, D, and E, and referenced standards attached thereto, referred to in this article as the "IPC," is adopted with the amendments as set forth in this article. Copies of the plumbing code are available for inspection at the offices of the city clerk, the city attorney, and the chief building official. The intent of this code is to meet or exceed the requirements of the State of Colorado Plumbing Code. When technical requirements, specifications or standards in the State of Colorado Plumbing Code conflict with requirements herein, the most restrictive shall apply.

Section 41. That Section 22-318 is hereby amended to read as follows:

Sec. 22-318. - Administrative authority.

Section 101.1 of the IPC is **deleted in its entirety and** amended to read as follows:

These regulations shall be known as the ~~International~~ Plumbing Code of the city of Aurora hereinafter referred to as ~~the plumbing code~~ **"this code"**.

Section 42. That Section 22-319 is hereby amended to read as follows:

Sec. 22-319. – ~~Department of plumbing inspection~~ **Code compliance agency**.

Section 103 of the IPC adopted in section 22-316 is hereby deleted in its entirety.

Section 43. That Section 22-322 is hereby amended to read as follows:

Sec. 22-322. - Service sinks and drinking fountains.

Footnote ~~F~~ **G** added to Section 403 Table 403.1 is amended by adding the following:

Footnote ~~F~~ **G**. Drinking fountains and service sinks are not required in existing buildings or spaces in existing buildings that have an occupant load of less than 100. Where this exception is utilized, an approved, accessible alternate drinking water source must be provided and maintained.

Section 44. That Section 22-326 is hereby amended to read as follows:

Sec. 22-326. - Water conservation.

Sections ~~420.1~~ **419.1** and ~~424.1~~ **412.1** of the IPC are amended by adding the following:

- (a) Faucets or lavatories located in restrooms intended for public use shall be of the metering type or self-closing. Exception: Restrooms not required to be made available to the public.
- (b) Special purpose shower heads and faucets, necessary for health and safety purposes, may be exempt from the requirements of this section when approved by the building official.

Section 45. That Section 22-332 is hereby amended to read as follows:

Sec. 22-332. - Vent extension through roof.

Section ~~903.1~~**903.1.1** of the IPC is hereby deleted in its entirety and amended to read as follows:

~~903.1~~**903.1.1** Roof extension **unprotected**.

All open vent pipes which extend through a roof shall be terminated ~~at least~~**not less than** 6 inches above the roof or 6 inches above the anticipated snow accumulation, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet above the roof.

Section 46. That Section 22-333 is hereby deleted in its entirety and replaced with the following:

~~Sec. 22-333. - Deletions of certain sections.~~ **Reserved.**

~~Section 1003.8 Slaughterhouses of the IPC adopted in section 22-316 is deleted in its entirety.~~

Section 47. That Section 22-341 is hereby amended to read as follows:

Sec. 22-341. - Code adopted.

The International Existing Building Code, 2015~~21~~ edition, first printing ~~May 2015~~,**December 2020**, published by the International Code Council, and referenced standards attached thereto, referred to in this article as the "IEBC," is adopted with the amendments and resources as set forth in this article. Copies of the IEBC are available for inspection at the offices of the city clerk, the city attorney, and the chief building official. The IEBC is intended to encourage the use and reuse of existing buildings while requiring reasonable upgrades and improvements.

**Section 101.1 of the existing building code adopted in section 22-341 is deleted in its entirety and amended to read as follows:**

**These regulations shall be known as the Existing Building Code of the city of Aurora, hereinafter referred to as "this code".**

Section 48. That Section 22-342 is hereby amended to read as follows:

Sec. 22-342. - Square footage.

Section 110.2 of the IEBC is amended to add a new Item 13 as follows:

**13. The square footage of the structure or portion of the structure for which the certificate of occupancy is issued.**

Section 49. That Section 22-342.5 is hereby amended to read as follows:

Sec. 22-342.5. - Qualified historic buildings and facilities.

Section ~~408~~**507** of the IEBC is ~~created~~ **amended** by adding the following:

Section ~~408.4~~**507.5** - Qualified historic buildings and facilities.

~~408.4.1~~**507.5.1** General. Qualified historic buildings and facilities shall comply with Sections ~~408.4.2~~**507.5.1** through ~~408.4.7~~**507.5.7**.

~~408.4.2~~**507.5.2** Qualified historic buildings and facilities. These procedures shall apply to buildings and facilities designated as historic structures that undergo alterations or a change of occupancy.

~~408.4.3~~**507.5.3** Qualified historic buildings and facilities subject to Section 106 of the National Historic Preservation Act. Where an alteration or change of occupancy is undertaken to a qualified historic building or facility that is subject to Section 106 of the National Historic Preservation Act, the federal agency with jurisdiction over the undertaking shall follow the Section 106 process. Where the State Historic Preservation Officer or Advisory Council on Historic Preservation determines that compliance with the requirements for accessible routes, ramps, entrances or toilet facilities would threaten or destroy the historic significance of the building or facility, the alternative requirements of Section 410 for that element are permitted.

~~408.4.4~~**507.5.4** Qualified historic buildings and facilities not subject to Section 106 of the National Historic Preservation Act. Where an alteration or change of occupancy is undertaken to a qualified historic building or facility that is not subject to Section 106 of the National Historic Preservation Act, and the entity undertaking the alterations believes that compliance with the requirements for accessible routes, ramps, entrances or toilet facilities would threaten or destroy the historic significance of the building or facility, the entity shall consult with the State Historic Preservation Officer. Where the State Historic Preservation Officer determines that compliance with the accessibility requirements for accessible routes, ramps, entrances or toilet facilities would threaten or destroy the historical significance of the building or facility, the alternative requirements of Section 410 for that element are permitted.

~~408.4.5~~**507.5.5** Consultation with interested persons. Interested persons shall be invited to participate in the consultation process, including state or local accessibility officials, individuals with disabilities and organizations representing individuals with disabilities.

~~408.4.6~~**507.5.6** Certified local government historic preservation programs. Where the State Historic Preservation Officer has delegated the consultation responsibility for purposes of this section to a local government historic preservation program that has been certified in accordance with Section 101 of the National Historic Preservation Act of 1966 [(16 U.S.C. 470a(c)) and implementing regulations (36 CFR 61.5)], the responsibility shall be permitted to be carried out by the appropriate local government body or official.

~~408.4.7~~**507.5.7** Displays. In qualified historic buildings and facilities, where alternative requirements of Section 408 are permitted, displays and written information shall be located where they can be seen by a seated person. Exhibits and signs displayed horizontally shall be 44 inches (1120 mm) maximum above the floor.

Section 50. That Section 22-345 is hereby amended to read as follows:

Sec. 22-345. – ~~Mixed use allowable area~~ **Height & Area for change to a higher-hazard category.**

Section ~~912.5.1~~**101.6.1** of the IEBC adopted in section 22-341 is amended by adding the following: The mixed use allowable area square footage must comply with IBC 508.4.2.

Section 51. That Section 22-348 is hereby amended to read as follows:

Sec. 22-348. - Chapter applicability.

Section ~~4401.2~~**1301.2** of the IEBC is hereby amended to read as follows:

Structures existing prior to 1952, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of chapters ~~4–3~~ through ~~13–12~~. The provisions of sections ~~4401.2.1~~**1301.2.1** through ~~4401.2.5~~**1301.2.6** as amended by city amendments shall apply to structures existing prior to 1952 that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These code provisions shall not apply to buildings with occupancies in Group H or Group I.

Section 52. That Article X.B and Section 22-349 is hereby added as a new section and reads as follows:

#### **ARTICLE X.B - INTERNATIONAL SWIMMING POOL AND SPA CODE**

**Sec. 22-349. - Code adopted.**

The International Swimming Pool and Spa Code, 2021 edition, first printing October 2020, published by the International Code Council, and referenced standards attached thereto, referred to in this article as the "ISPSC," is adopted with the amendments and resources as set forth in this article. Copies of the ISPSC are available for inspection at the offices of the city clerk, the city attorney, and the chief building official.

Section 101.1 of the swimming pool and spa code is deleted in its entirety and amended as follows:

These regulations shall be known as the Swimming Pool and Spa Code of the city of Aurora, hereinafter referred to as "this code".

Section 53. That Section 22-350 is hereby added as a new section and reads as follows:

**Sec. 22-350. – Backwash water or draining water.**

Section 320.1 of the ISPSC adopted in section 22-316 is hereby deleted in its entirety and amended to read as follows:

**Backwash water and draining water shall be discharged to the sanitary drain. Direct connections shall not be made between the end of the backwash line and the disposal system. Drains shall discharge through an air gap.**

Section 54. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or

unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 55. Penalty. City employees violating the terms, directives, or mandates of this Code are not subject to the general penalty provisions contained in Section 1-13 of this City Code.

Section 56. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 57. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED AND ORDERED PUBLISHED BY REFERENCE this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
MICHELLE GARDNER, Sr. Assistant City Attorney



# CITY OF AURORA

## Council Agenda Commentary

**Item Title:** 2021 International Fire Code Adoption

**Item Initiator:** Deputy Chief Caine G. Hills

**Staff Source/Legal Source:** Deputy Chief Caine G. Hills/ Angela Garcia, Senior Assistant City Attorney

**Outside Speaker:** N/A

**Council Goal:** 2012: 1.0--Assure a safe community for people

### COUNCIL MEETING DATES:

**Study Session:** 11/1/2021

**Regular Meeting:** 11/08/2021

### ITEM DETAILS:

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO AMENDING CHAPTER 66 OF THE CITY CODE "FIRE PREVENTION AND PROTECTION" RELATED TO THE NEW 2021 EDITION OF THE INTERNATIONAL FIRE CODE AND AMMENDMENTSStaff Source: Deputy Chief Caine G. Hills/Angela Garcia, Senior Assistant City AttorneyEstimated Presentation/Discussion 15 minutes

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- |   |  |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session   | <input type="checkbox"/> Approve Item as proposed at Study Session   |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting  | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only   |  |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration<br>Reason for waiver is described in the Item Details field. |  |

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Public Safety, Courts & Civil Service

**Policy Committee Date:** 10/14/2021

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**Action Taken/Follow-up: (Check all that apply)**

- |  |   |
|--|---|
| <input type="checkbox"/> Recommends Approval                         | <input type="checkbox"/> Does Not Recommend Approval      |
| <input checked="" type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached   |
| <input type="checkbox"/> Minutes Attached                            | <input checked="" type="checkbox"/> Minutes Not Available |

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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Item was presented to the Public Safety, Courts and Civil Service Committee on October 14, 2021.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

Presentation of the Ordinance adopting the 2021 Edition of the International Fire Code (IFC)

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**QUESTIONS FOR COUNCIL**

Does Council approve moving the 2021 IFC Adoption forward to regular City Council meeting?

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**LEGAL COMMENTS**

City Council has the power to make and publish from time to time ordinances not inconsistent with the laws of the state for carrying into effect or discharging the powers and duties conferred by the state constitution, statute or city Charter and such as it shall deem necessary and proper to provide for the safety; preserve the health; promote the prosperity; and improve the morals, order, comfort and convenience of the city and the inhabitants thereof. (City Code, Section 2-32 and C.R.S. § 31-15-103) (Garcia)

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**PUBLIC FINANCIAL IMPACT**

☐ YES      ☒ NO

**If yes, explain:** N/A

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**PRIVATE FISCAL IMPACT**

☒ Not Applicable      ☐ Significant      ☐ Nominal

**If Significant or Nominal, explain:** N/A

# 2021 INTERNATIONAL FIRE CODE ADOPTION OVERVIEW

**Aurora Fire Rescue**  
**Inspections and Investigations Division**





# CORE 4 VALUES

- Respect
- Integrity
- Professionalism
- Customer Service



# FIRE INSPECTIONS UNIT MISSION

THE MISSION OF THE FIRE INSPECTIONS UNIT IS TO PROTECT THE LIVES AND PROPERTY OF THE CITIZENS AND VISITORS TO THE CITY OF AURORA FROM PREVENTABLE FIRE. AS WELL AS ENSURING THE SAFEST ENVIRONMENT BY UPHOLDING THE INTERNATIONAL FIRE CODE.



# CURRENT STAFFING

The Fire Inspections Bureau is comprised of a Fire Marshal (Deputy Chief), a Commander, Lieutenant, and six Fire Inspectors (including one lead inspector).



# OUR VISION

Adoption of the 2021 IFC with the proposed amendments will enable Aurora Fire Rescue to provide the greatest level of fire prevention and life safety for the citizens and visitors to the City of Aurora.



# INTERNAL/EXTERNAL STAKEHOLDER COLLABORATION AND COMMUNICATION PROCESS

- Business Advisory Board Meeting (January 2020)
- Building Department (IBC/IFC) alignment
- Tax and Licensing
- Legal
- Community Engagement



# 2021 FIRE CODE ADOPTION GOALS

- Adopt the 2021 International Fire Code (IFC), replacing the currently adopted 2015 IFC
- Amend any sections of the 2021 IFC which AFR believes (based upon data) would increase the risk of fire
- Effectively enforce 2021 IFC requirements throughout the City of Aurora (COA)



# 2021 IFC OVERVIEW

- 2021 adoption by COA will include any updates and revisions from the 2018 IFC presently in the 2021 edition (2018 edition was not adopted by COA).
- 2021 adoption adds four chapters of fire code not present in the 2015 IFC
  - Energy Systems
  - Higher Education Laboratories
  - Processing and Extraction Facilities
  - Storage of Distilled Spirits and Wines



# 2021 IFC ADOPTION SIGNIFICANT CHANGES

\*Chapters not identified had no significant changes

- Chapter 3, General Requirements
  - Sec. 311.2 allows seasonal out of service for fire protection systems in vacant buildings when less than 12,000 sq ft and does not store vehicles or hazmat
  - Sec 315.3.1 removes 18" and 24" ceiling clearance requirements for storage when storage is against a wall
    - AFR recommends not adopting this section
- Section 4, Emergency Planning
  - Sec 403.3.1 Updates staff training requirements and fire safety/ evacuation plan requirements for several occupancy groups
  - Sec 404.3.2 Clarifies who may approve lockdown plans





# 2021 IFC ADOPTION SIGNIFICANT CHANGES

- Chapter 5, Fire Service Features
  - Sec 501.3.1 adds requirement for owners to develop and maintain an approved site safety plan with construction plans
  - Sec 510 requires two-way, in-building emergency responder communication coverage in all new buildings, that the communication system be monitored by the fire alarm control unit, and adds the authority of Fire Code Officials to request as-built documentation of communication system
- Chapter 6, Building Services and Systems
  - Sec 603.5 permits temporary daisy-chain of up to five power taps in Group A and some areas of B occupancies, not to exceed 90 days. Power taps are not defined as having surge protection and have a history of overheating/arcing when overloaded. - AFR recommends not adopting this section.



# 2021 IFC ADOPTION SIGNIFICANT CHANGES

- Chapter 7, Fire and Smoke Protection Features
  - Secs 701-708 adds requirements for maintenance of fire-resistant constructions (penetrations, joint and voids, spray and intumescent materials, and doors and windows installed in fire-resistant constructions)
- Chapter 9, Fire Protection and Life Safety Systems
  - Sec 901.4.7 adds requirements for access, marking, temperatures, and permanent lighting requirements to fire pump and valve rooms
  - Sec 901.7 provides an exception to fire-watch for out-of-service fire systems for buildings with an approved notification and management program
  - Sec 903 adds requirements for auto-sprinklers for Groups A, E,F, and S occupancies when specific criteria are met



# 2021 IFC ADOPTION SIGNIFICANT CHANGES

- Chapter 9, Fire Protection and Life Safety Systems - Continued
  - Sec 905.3.1 clarifies building heights requiring Class III standpipes and lists exceptions where Class I standpipes in place of Class III.
  - Sec 905.11 authorizes Fire Code Officials to require locking outlet caps on dry standpipes
  - Sec 907.2 requires a manual fire alarm and detection system in Group A occupancies with an Occupancy Load >100 above or below exit discharge level.
  - Sec 908.3 requires an emergency alarm tied into a fire alarm to produce a "supervisory" signal



# 2021 IFC ADOPTION SIGNIFICANT CHANGES

- Chapter 10, Means of Egress
  - Sec 1010.2.8 allows doors to be locked which are designed to prevent intruders in educational occupancies if the door can be opened from the inside, and the door can be unlocked from the outside with a key
  - Sec 1032.4 clarifies that exit signs shall be installed and maintained in accordance with the adopted code at the time of construction and the existing buildings chapter
- Chapter 11, Construction Requirements for Existing Buildings
  - Sec 1103.5 requires auto sprinklers in existing A-2 occupancies with an occupancy load of >300 or where alcoholic beverages are consumed
  - Sec 1105.6.1 requires means of egress from smoke compartments without having to return through the compartment of origin



# 2021 IFC ADOPTION SIGNIFICANT CHANGES

- Chapter 12, Energy Systems
  - New Chapter in the 2018 IFC: Relocated sections on Emergency and Standby Power, Photovoltaic Power, and other, pertinent sections to consolidate requirements
  - Secs 1206 and 1207 requires permits for installation of Stationary Fuel Cell Power Systems and Electrical Energy Storage Systems
- Chapter 22, Combustible Dust-Producing Operations
  - Sec 2203.6 requires an SOP for dust-producing operations and lists the required topics
  - Sec 2203.8 required a Fire Code Official to approve SOP and ERP and for annual updates/reviews. This section also required training for those involved with combustible dust operations.
- Chapter 23, Motor Fuel Dispensing Facilities and Repair Garages
  - Sec 2303.1 requires self-service fuel dispensing to be observable by an attendant: If approved by the Fire Code Official video monitoring may be used
  - Sec 2306 authorizes the Fire Code Official to require additional impact protection where fuel dispensing equipment is in an area of higher potential for vehicle impact



# 2021 IFC ADOPTION SIGNIFICANT CHANGES

- Chapter 28, Lumber Yards and Agro-Industrial, Solid Biomass and Woodworking Facilities
  - Sec 2810 requires a site plan, fire prevention, evacuation plan, and security plan for outdoor storage of pallets at pallet manufacturing and recycling facilities
- Chapter 31, Tents, Temporary Event Structures, and Other Membrane Structures
  - Sec 3106.3 requires Fire Code Official to approve means of egress and occupancy load for outdoor assembly events
  - Sec 3106.4 requires public safety plan, weather monitoring person, crowd managers to be included for outdoor assembly events
- Chapter 32, High-Piled Combustible Storage
  - Sec 3201 requires approved construction documents and plans be in an approved area and for a floor plan to be posted and protected from damage
  - Sec 3205.1 requires annual verification and evaluation of approved storage layout of high-piled combustible storage



# 2021 IFC ADOPTION SIGNIFICANT CHANGES

- Chapter 33, Fire Safety During Construction and Demolition
  - Sec 3302 explains owner's responsibility for fire safety during construction and demolition which include a site safety plan, identification of a Site Safety Director, and daily fire safety inspection
  - Sec 3305 details fire-watch procedures, adds separation from cooking to combustibles at 10 ft, and adds separation Construction area from occupied areas of the building
  - Sec 3313 requires 500 gpm fire-flow provisions once combustible building materials arrive on-site. This section also requires one fire hydrant within 500 feet of all combustible materials
- Chapter 38, Higher Education Laboratories
  - New chapter in 2018 IFC addressing chemical use, storage, and safety precautions for small labs unique to higher learning facilities
- Chapter 39, Processing and Extraction Facilities
  - New chapter in 2018 IFC focusing on the processing and extraction of oils and fats from various plants. This chapter addresses processing using solvents that may or may-not be hazardous materials





# 2021 IFC ADOPTION SIGNIFICANT CHANGES

- Chapter 40, Storage of Distilled Spirits and Wines
  - New chapter in the 2021 IFC addressing occupancies that store beverages up to and including 16 % alcohol, which are designated Group S-2
  - Storage facilities designated Group S-1 or H occupancies are not covered by this chapter
- Chapter 50, Hazardous Materials General Provisions
  - Sec 5001.1 provides exceptions of hazmat requirements for products complying with other chapters of the code
- Chapter 51, Aerosols
  - Sec 5103.1 expands the classification and identification of aerosols
  - Sec 5104.3 limits the amount of aerosol cooking spray products to 2500 pounds when stored indoors at a warehouse





# 2021 IFC ADOPTION SIGNIFICANT CHANGES

- Chapter 52, Compressed Gases
  - Sec 5305.4 requires access to compressed gas systems and valves be provided and maintained
- Chapter 56, Explosives and Fireworks
  - Sec 5606 adds commercial reloading of small arms ammunition to the indoor storage or display items to comply with this chapter
- Chapter 57, Flammable and Combustible Liquids
  - Sec 5701.2 requires leak detection panel status to be announced to an approved location
  - Sec 5707 is a new section relating to on-demand, mobile fueling operations



# 2021 IFC ADOPTION SIGNIFICANT CHANGES

- Chapter 60, Highly Toxic and Toxic Materials
  - Sec 6004. Requires gas detection systems in highly toxic and toxic rooms to comply with this chapter as well as initiate a response when discharge of at or below one half IDLH limit
- Chapter 61, Liquefied Petroleum gases
  - Table 6104.3 notes that above ground LP containers  $\leq 2000$  gal are required to be separated from public ways by no less than 5 feet
  - Sec 6110 requires LP gas containers discontinued from use to be removed
- Chapter 62, Oxidizers, Oxidizing Gases, and Oxidizing Cryogenic Fluids
  - Sec 6304 provides updated limits for storage of Class 1, 2, and 3 oxidizing liquids and solids



# INTENDED OUTCOMES

Adopt the 2021 IFC with amendments

- **111.1 Board of appeals**
- **112.4 Violation penalties**
- **113.4 Stop-work violation penalty**
- **503.2.1 Fire apparatus roads**
- **503.2.3 Apparatus road minimum weight**
- **2303.1 Fuel dispensing distance allowance exceptions**



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# INTENDED OUTCOMES

- **503.6 Security gates on apparatus roads**
- **66-39 Appeal of re-inspection fee**
- **Ceiling height storage** Rescind exception from Sec 315.3.
- **Relocatable power-taps** Rescind Sec 603.5
- **Elevators in service** Additional subsection 604.2.1
- **66-43 Fire apparatus access roads**



# SOURCES

International Fire Code 2015, 2018, and 2021 Editions



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**THANK YOU**

ORDINANCE NO. 2021- \_\_\_\_\_

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 66 OF THE CITY CODE ENTITLED “FIRE PREVENTION AND PROTECTION” RELATED TO THE ADOPTION OF THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE AND LOCAL AMENDMENTS THERETO

WHEREAS, the International Fire Code (“IFC”) is a model fire code that regulates minimum fire safety requirements for new and existing buildings, facilities, storage and processes; and

WHEREAS, a new edition of the IFC is produced every three years, and the 2021 Edition of the IFC has been issued by the International Code Council; and

WHEREAS, the current edition of the IFC adopted for the City of Aurora is the 2015 Edition of the IFC; and

WHEREAS, the adoption of the 2021 Edition of the IFC, including the local amendments, will provide the most current fire and life safety applications with respect to construction, occupancy, use and maintenance of buildings and structures in the City of Aurora.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. That section 66-26 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 66-26. Adopted.

The International Fire Code, ~~2015~~ **2021** edition, promulgated by the International Code Council, with appendices A through ~~J and L-I~~, are adopted with the amendments, additions and deletions specified in this article. Copies of the codes adopted in this section are available for inspection at the ~~office~~ **Office** of the ~~city~~ **City clerk** ~~Clerk~~.

Section 2. That section 66-28 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 66-28. Board of appeals.

The International Fire Code, section ~~108.1~~ **111.1** is hereby amended to read as follows:

~~108.1~~ **111.1.** Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The recognized board of appeals for fire code related appeals shall be the regional fire code board of appeals. Appeals for fire code related issues shall be made to the regional fire code board of appeals pursuant to the intergovernmental agreement and bylaws of the board of appeals. The fire code official shall be an ex officio member of the board of appeals, but shall have no vote on any matter before the board. The board of appeals shall adopt rules of procedure for conducting its business and shall render its decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

Section 3. That section 66-29 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 66-29. Violations.

The International Fire Code, section ~~109.4~~ **112.4** is hereby amended to read as follows:

~~109.4~~ **112.4** Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a municipal ordinance violation, punishable by a fine of not more than the maximum fine set forth in the general penalty provision of section 1-13(a) of the City Code or by imprisonment not to exceed the maximum imprisonment set forth in the general penalty provisions of section 1-13(a) of the City Code, or both such fine and imprisonment, for each offense. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 4. That section 66-30 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

The International Fire Code, section ~~111.4~~ **113.4** is hereby amended to read as follows:

~~111.4~~ **113.4** Failure to comply.

It shall be unlawful for any person to continue any work after having been served with a stop work order. Any person who shall continue any work after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine not to exceed maximum fine set forth in the general penalty provisions of section 1-13(a) of the City Code.

Section 5. That section 66-32 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:



The ~~international~~ **International Fire Code**, subsections 503.2.1 and 503.2.3 are hereby amended to read as follows:

**503.2.1. Dimensions.**

Fire apparatus access roads shall have an unobstructed width of not less than 23 feet, unless a greater width is ~~otherwise specified in the code~~ **required elsewhere within the code**, except for approved security gates in accordance with section 503.6, and an unobstructed vertical clearance of not less than 13 feet, 6 inches.

**503.2.3. Surface.**

Fire apparatus access roads shall be designated and maintained to support the **85,000 lbs.** imposed loads of the fire apparatus ~~up to 85,000 pounds~~ and shall be surfaced so as to provide all weather driving capabilities. No speed reducing devices or traffic-calming features of any type that alter the elevation of the roadway shall be permitted on any fire apparatus access road, unless approved by the fire code official.

Section 6. That section 66-33 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

**Sec. 66-33. Motor fuel dispensing facilities and Repair Garages.**

The International Fire Code, section ~~2203.1~~ **2303.1** is hereby amended by adding additional subsections (6) and (7) to read as follows:

~~2203.1~~ **2303.1** Location of dispensing devices.

(6) No dispensing or delivery of flammable or combustible liquids will be permitted within 500 feet of any E, I, or R-4 occupancy. This distance shall be measured from the nearest transfer or delivery point of the fuel to the nearest portion of the building or to the nearest activity area of the use, such as a playground or recreational area. This restriction shall not apply to the normal scheduled delivery of combustible fuel into approved tanks used for heating or the operation of emergency electrical generating equipment, provided such delivery is made in accordance with approved dispensing practices with regard to public safety.

**Exceptions:**

- a. The distance restrictions for the dispensing of flammable or combustible liquids can be eliminated if site grading and run-off control features will maintain a distance of at least 20 feet between any potential fuel release and the E, I, or R-4 occupancy and that the fuel, due to elevation differences, will not be able to pool or congregate in or around any E, I, or R-4 occupancy.
- b. The distance restrictions for the delivery of flammable or combustible liquids can be eliminated if the delivery occurs when the E, I, or R-4 occupancy is not in use.

(7) The chief may modify the provision of subsection (6) where there are practical difficulties in carrying out the strict letter of this subsection; provided, that the spirit of this section shall be complied with, public safety secured, and substantial justice done. Where an E, I or R-4 occupancy is located at a grade higher than where motor fuel dispensing occurs a reduction in the 500' ~~foot~~ restriction may occur as follows:

"SEPARATION OFF-SET CHART"

- 1-FOOT = 400'
- 2-FEET = 300'
- 3-FEET = 200'
- 4-FEET = 100'

Section 7. That the City Code of the City of Aurora, Colorado, is hereby amended by adding a section to be numbered 66-37, which section shall read as follows:

**Sec. 66-37. Security gates.**

**The International Fire Code, section 503.6 is hereby amended to read as follows:**

**The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed at primary access points, as determined by the fire chief, those gates shall have an approved automatic means of emergency operation. Additionally, each automatic gate shall have a back-up switch (Knox keyed), as well as accessible means of manual operation. Security gates installed at secondary access points, as determined by the fire chief, shall have a means of operation approved by the fire chief. The security gates and the emergency operation shall be maintained in proper working condition at all times. In the event that there are electric gate operators, they shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, and installed in compliance with the requirements of ASTM F 2200.**

Section 8. That section 66-39 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

**Sec. 66-39. ~~Re-inspection fee~~ Fees.**

(a) *Generally.* Administrative fees may be assessed against any real property owner **or business owner** for **inspections and** re-inspections under this article ~~due to any violation of chapter 66 of the City Code or any violation of the International Fire Code.~~ Fees for **inspections and** re-inspections shall be established by the fire chief in accordance with the provisions of section 2-587 of this Code.

Return inspection fees shall be assessed whenever the **real property** owner or occupant **or business owner**:

- (1) Fails to provide access to the property being inspected and return visits are necessary.
- (2) Fails to provide access on dates and times scheduled.
- (3) Cancels an inspection visit without notice of at least three working days prior to scheduled inspection. Cancellations must be justifiable and appropriate.

(b) *Recovery of costs from multi-family housing, creation of a lien.* The city manager or manager's designee, using the appropriate billing forms as supplied by the director of finance, shall notify the owner of multi-family housing of the assessed fees for **inspections and re-inspections of a fire code violation** by certified mail. If the owner fails within 30 days after the date of transmission of notification to pay for the costs and expenses to the city clerk, the costs and expenses shall become a lien against the property. The director of finance shall certify to the treasurer of the appropriate county the legal description of the real property subject to the lien and the amount of costs and fees assessable to such property, plus 15 percent, for administrative fees for collection in the same manner as general property taxes are authorized to be collected by such treasurer.

(c) *Appeal from assessment of re-inspection fee.* If a re-inspection fee is assessed pursuant to subsection (a) of this section, an appeal may be initiated in accordance with this subsection. Within 15 days of the date of the billing form, the owner may file a written appeal with the city manager or designee specifying the reason why the assessment is improper. The assessment shall be stayed pending the resolution of the appeal. The city manager or designee shall determine whether the appeal is valid and shall notify the owner in writing of a final decision. No hearing shall be permitted and the manager's or designee's determination shall be final subject to judicial review.

Section 9. That the City Code of the City of Aurora, Colorado, is hereby amended by adding a section to be numbered 66-40, which section shall read as follows:

**Sec. 66-40. General Storage.**

**The International Fire Code, Section 315.3.1 is hereby amended to read as follows:**

**315.3.1 Ceiling clearance.**

**Storage shall be maintained 2 feet (610 mm) or more below the ceiling in nonsprinklered areas of buildings or not less than 18 inches (457 mm) below sprinkler head deflectors in sprinklered areas of buildings.**

Section 10. That the City Code of the City of Aurora, Colorado, is hereby amended by adding a section to be numbered 66-41, which section shall read as follows:

**The International Fire Code, Section 603.5.2 is hereby amended to read as follows:**

**Section 603.5.2 Application and use of relocatable power taps.**

**Relocatable power taps and current taps shall be directly connected to a permanently installed receptacle.**

**Exception 1: Where approved for use in a Group A occupancy or in a meeting room in a Group B occupancy, not more than five surge-protected, relocatable power taps shall be permitted to be connected together or connected to an extension cord for temporary use to supply power to electronic equipment.**

Section 11. That the City Code of the City of Aurora, Colorado, is hereby amended by adding a section to be numbered 66-42, which section shall read as follows:

**The International Fire Code, Section 604.2 is hereby amended by adding a section to be numbered 604.2.1, which section shall read as follows:**

**604.2.1 Where elevators are provided for occupant use, a minimum of one elevator per structure must be operational at all times for firefighters' emergency operations/emergency medical use.**

Section 12. That the City Code of the City of Aurora, Colorado, is hereby amended by adding a section to be numbered 66-43, which section shall read as follows:

**Sec. 66-43. Appendix D - Fire Apparatus Access Roads.**

**The International Fire Code, Appendix D, is hereby amended to read as follows:**

**D103.1 Access road width with a hydrant.**

**Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1). The dead-end fire apparatus access road turnaround 60' "Y" option shown in Figure D103.1 is repealed.**

**D104.2 Buildings exceeding 62,000 square feet in area.**

**Buildings or facilities having a gross building *area* of more than 62,000 square feet (5760 m<sup>2</sup>) shall be provided with two separate and approved fire apparatus access roads.**

**D106.1 Projects having more than 100 dwelling units.**

**Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.**

Section 13. That the City Code of the City of Aurora, Colorado, is hereby amended by adding a section to be numbered 66-121, which section shall read as follows:

**Sec. 66-121. Fire Lane Obstruction.**

**(a) *Parking or Stopping.* Parking or stopping is not permitted within fire lanes designated by the City of Aurora for any vehicles other than emergency response and**

enforcement vehicles. To provide access for emergency response and enforcement vehicles, storage of property or otherwise obstructing city-designated fire lanes is prohibited at all times.

**(b) *Private Property.*** Property owners or owner's agents may designate additional fire lanes on their private property but are not enforceable by City of Aurora officials as indicated in section (d) of this section and are the sole responsibility of the owner or owner's agent to enforce.

**(c) *School Drop-off and Pick-up Location.*** Where approved by the Fire Chief or designee, schools may mark a city-designated fire lane adjacent to the school as a student drop-off and pick-up location. If approved, vehicles must be attended to at all times while stopped in the fire lane by a licensed operator who is capable of moving the vehicle in the event of an emergency. Student pick-up and drop-off locations are intended to be for momentary stopping to enable safe ingress and egress of students and not to be used to for parking, or other activities which may obstruct the fire lane when needed by emergency response or enforcement vehicles. Where approved, the Fire Chief or designee may require on-site traffic control personnel be used to ensure safe traffic flow through student pick-up and drop-off locations within a fire lane and are to be provided by the school.

**(d) *Penalty.*** Property owners or vehicle owners convicted of violating this section shall be guilty of a municipal ordinance violation, punishable by a fine of not more than the maximum fine set forth in the general penalty provision of section 1-13(a) of the City Code.

Section 14. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 15. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 16. All acts, orders, resolutions, or ordinances in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

---


MIKE COFFMAN, Mayor

ATTEST:

---

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

 <sup>RLA</sup>  

---

ANGELA L. GARCIA, Senior Assistant City Attorney



## Aurora Business Advisory Board

15151 E. Alameda Parkway  
Aurora, Colorado 80012  
Ph: (303) 326-8690  
Fax: (303) 739-7136

October 21, 2021

Mayor & City Council  
City of Aurora  
15151 E. Alameda Pkwy., 5<sup>th</sup> Floor  
Aurora, CO 80012

### Subject: 2021 International Fire Code

Dear Mayor Coffman & Members of City Council:

Commander Steven Wright has been actively participating in the Business Advisory Board meetings since February, 2020. He has brought to the Board's attention several fire and safety topics, as it pertains to the business community. Among those topics, he discussed the 2021 International Fire Code.

Commander Wright has shared the IFC 2021 Implementation presentation and the Ordinance for the Board to review. The Board will study these documents and bring questions to its November meeting, at which point the BAB will provide recommendations.

Respectfully submitted,

Garrett Walls, Chairperson

GW/ev

CC: BAB Members  
Elena Vasconez, Economic and Business Development Supervisor  
Trevor Vaughn, Manager of Tax & Licensing

## **CITY OF AURORA**

### **NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION OF CODES BY REFERENCE**

NOTICE IS HEREBY GIVEN of a public hearing on November 22, 2021, at 6:30 p.m. at the regular meeting of the City Council of the City of Aurora, Colorado regarding the adoption by reference of the 2021 codes published by the International Code Council, Inc, 500 New Jersey Ave, NW, 6<sup>th</sup> Floor, Washington D.C., 20001. THIS MEETING WILL BE A VIRTUAL MEETING, PLEASE GO TO THE CITY OF AURORA WEBSITE (AURORAGOV.ORG) FOR INSTRUCTIONS ON PARTICIPATION.

The 2021 International Code Council codes to be adopted by reference are as follows:

International Building Code (IBC)  
International Residential Code (IRC)  
International Plumbing Code (IPC)  
International Mechanical Code (IMC)  
International Fuel Gas Code (IFGC)  
International Energy Conservation Code (IECC)  
International Existing Building Code (IEBC)  
International Swimming Pool and Spa Code (ISPSC)  
International Fire Code (IFC)

Each of the above codes are available online at: <https://codes.iccsafe.org>.

The primary purposes of the codes are for building construction and greater safety to the public by uniformity in building laws and building fire safety. Any person may participate at such virtual hearing and speak upon any matter to be determined by the City Council. Copies of the codes being considered for adoption are on file with the City Clerk and are open to public inspection.

Kadee Rodriguez, City Clerk

Publication Dates: November 1, 2021 and November 10, 2021





15151 E. Alameda Parkway, Suite 1400  
Aurora, Colorado 80012  
303.739.7094

*Worth Discovering • [auroragov.org](http://auroragov.org)*

Date: October 28, 2021  
To: Mayor and City council  
From: Kadee Rodriguez, City Clerk  
Re: Selection of Mayor Pro-Tem

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City Council elects the Mayor Pro-Tem by majority vote at the first regular meeting in December for a term of one year. This memo provides information regarding the process and important dates.

### **Schedule for Appointment**

**November 15, 2021** - Council Members who are interested in serving as Mayor Pro-Tem must submit written notification to the other Council Members by November 15<sup>th</sup>. Submit written notification on your city letterhead to [ElectedA@auroragov.org](mailto:ElectedA@auroragov.org).

**December 6, 2021 Regular Council Meeting** – Vote to appoint Mayor Pro-Tem. Council Members are required to vote on each item appearing on the agenda unless there is a conflict of interest.

### **Duties of Mayor Pro-Tem**

- Perform the duties and responsibilities of mayor in the absence of the mayor.
- Arrange location and other logistics for Council Workshops, including setting the agenda of the workshop, after asking for input from City Council.
- Accept donations and make arrangements for special occasions that City Council wants to recognize (i.e., birthdays, deaths, etc.)
- Not subject to the tie voting restriction relating to the mayor
- Final authority in making the official assignments, including Chairpersons and Vice Chairpersons, of each Committee. However, after the Mayor Pro-Tem has issued Committee assignments, Council Members may exchange assignments through mutual agreement.

### **References**

[City Code – Section 2-31](#)

[Charter – Section 3-2](#)

Council Rules – Preface Sect. C.1.



Council Member, Ward VI  
15151 E. Alameda Parkway, 5th Floor  
Aurora, Colorado 80012  
office 303.739.7015  
direct 303.739.7511  
cell 720.475.1830  
email fbergan@auroragov.org

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November 5, 2021

Dear Colleagues,

I am submitting my name for Mayor Pro Tempore.

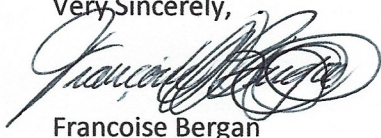
I have been urged by many neighbors, constituents and other supporters to consider a second term as Mayor Pro Tem. I am compelled to listen.

After much reflection, I have decided to follow their wishes. There is much more to be done, and I am excited about contributing in this role for our new city council. Even more, I am eager to get back to the business of municipal government – ensuring that Aurora is a great place to live, raise families and earn a living.

I believe my experience this past year, in spite of COVID restrictions, will allow us to hit the ground running. I look forward to working with all of the council members to that end.

Thank you for your consideration.

Very Sincerely,



Françoise Bergan



City Council Member, Ward I  
15151 E. Alameda Parkway, 5<sup>th</sup> Floor  
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November 15, 2021

Dear Fellow Colleagues:

I am writing to you to ask for your support and vote for the 2022 Mayor Pro Tem position.

Having served as Council Member for Ward 1 for the past 4 years, I have worked on a range of issues that affect all our residents throughout the city. This includes work on affordable housing, homelessness, our roads and transportation, small businesses and economic development. My understanding of how these issues uniquely manifest in Aurora will inform and guide my decision-making process as Mayor Pro Tem.

I have developed a deep understanding of the functions of council, our city staff structure, and the rules that govern our decision making. I served for three years as the Chair of the Housing, Neighborhood Services and Redevelopment Committee and three years on our Federal State and Intergovernmental Relations Committee. I also served as the Co-Chair of the RTD Accountability Committee. Under my leadership, our city's first-ever housing strategic plan was created. I have also worked collaboratively with staff and colleagues to allocate \$2M in seed funding for affordable housing projects, helped former Denver Meadows residents obtain \$300,000 in relocation assistance, sponsored a 10-month moratorium on Mobile Home Redevelopment and implemented a taskforce to study displacement. Many of these initiatives were supported unanimously because I worked with my colleagues to build consensus. We made incredible progress toward data-based, actionable policies that will increase dignified, affordable housing in Aurora and Ward 1. I want to continue this framework of collaboration and consensus across policy issues. Although this represents just one issue area, my understanding of how we can utilize our city's resources in tandem with our roles as city councilmembers will aid me as Mayor Pro Tem.

If selected as Mayor Pro Tem, my goal would be to convene the rules committee and update our processes. We need to efficiently and thoroughly review the rules and regulations of our city council and I would like to guide us through that process.

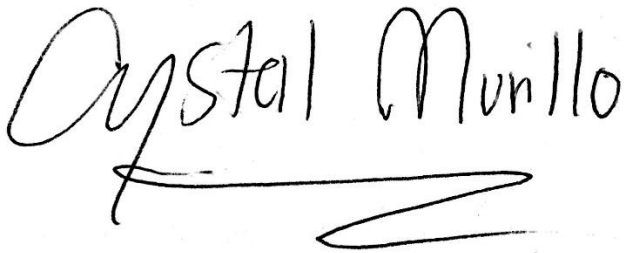
Additionally, we all have different perspectives on how we will serve our great city of Aurora. I want to develop a culture of collaboration and mutual respect on council, where we work through our

differences in a respectful manner. It is our responsibility to work together effectively so we can address the issues all of our constituents face.

I always strive to be professional, open-minded, and proactive. Despite our differences, I prioritize collaboration with all my fellow city council members as we have the shared goal of improving the well-being of our residents. I have the time and am prepared to step in when necessary. If such time arises, I will represent our city council with optimism and in pursuit of unity.

Thank you for your time and consideration. If you have any questions, please do not hesitate to reach out to me by phone or email.

Sincerely,

A handwritten signature in black ink that reads "Crystal Murillo". The signature is written in a cursive, flowing style. Below the name, there is a long, horizontal, wavy line that serves as a decorative flourish or underline.

Crystal Murillo