

1 **RESOLUTION NO.**

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3 **WHEREAS**, the City of Austin enters into third party agreements for public  
4 improvements when design or construction of public improvements are conducted by a  
5 third party rather than through a direct contract between the City and a general  
6 contractor; and

7 **WHEREAS**, in November of 2007, City Council approved a resolution requiring  
8 eligible third party agreements to comply with the standards and principles of the City's  
9 Minority Business Enterprise/Women's Business Enterprise (MBE/WBE) Ordinance  
10 and Procurement Program; and

11 **WHEREAS**, in 2012, City staff and MBE/WBE and Small Business Advisory  
12 Committee members reviewed the 2007 resolution and identified areas in which the  
13 City's third party agreements could be strengthened; and

14 **WHEREAS**, in 2012, Council repealed Resolution No. 20071108-127 and  
15 replaced it with Resolution No. 20120112-058, which included the following  
16 amendments:

- 17 • Applied standards and principles to facilities constructed following a City  
18 endorsement pursuant to the Major Events Trust Fund statute;
- 19 • Encouraged the recruitment of employees from Austin;
- 20 • Applied sanctions to violations of the standards and principles of the MBE/WBE  
21 Procurement Program;

22 • Stipulated that failure to comply with contract terms results in forfeiture of funds  
23 received from the City; and

24 **WHEREAS**, currently, if the City chooses to move forward on a project, the  
25 successful applicant will be subject to the requirements of the City’s third party  
26 development agreements, including providing for prevailing wage (Resolution No.  
27 20080605-047), worker safety (Resolution 20110728-106), and all applicable standards  
28 and principles related to construction, professional services, nonprofessional services,  
29 and commodities of the City’s Code and Program Rules for MBE/WBEs; and

30 **WHEREAS**, in several instances, including the contemplated [re]Manufacturing  
31 Hub, the City Council has added additional requirements to third party development  
32 agreements on city-owned land, such as strengthened labor protections and higher  
33 environmental standards; and

34 **WHEREAS**, Resolution No. 20180628-061 directed the City Manager to develop  
35 a proposal requiring contractors and third parties to ensure that a minimum percentage of  
36 construction workers on City projects of certain sizes are graduates or current students of  
37 the Department of Labor (DOL)’s registered apprenticeship or bilingual training  
38 programs; and

39 **WHEREAS**, the City Manager has thus committed to Better Builder Program®  
40 requirements for the Austin Energy Headquarters and to ensure that a significant number  
41 of the construction contractors on the Headquarters and at the Airport Consolidated

42 Maintenance Facility are graduates or current students of DOL's registered  
43 apprenticeships programs; and

44 **WHEREAS**, Resolution No. 20180628-130 directed negotiations for a Major  
45 League Soccer stadium to be located at 10414 McKalla Place required Precourt Sport  
46 Ventures to adhere to the City's standard contracting requirements, the Better Builder  
47 Program®, the City's Minority-Owned and Women-Owned Business Enterprise  
48 Procurement Programs, as well as to achieve high environmental standards, Austin  
49 Energy Green Building and/or LEED ratings expected of city buildings, and to aim for a  
50 zero waste, net zero energy, net positive water facility; and

51 **WHEREAS**, Resolution No. 20190523-019 directed the City Manager to ensure  
52 that the Convention Center planning, design, and financing efforts assume participation  
53 in Green Building and LEED certification programs, as well as the Better Builder  
54 Program® or a program with comparable worker protections for all construction workers  
55 performing work related to the Convention Center expansion; and

56 **WHEREAS**, the Council has passed resolutions pertaining to the redevelopment  
57 of city-owned land for the purposes of generating community benefits, such as  
58 Resolution No. 20130117-054, Resolution No. 20140417-049, Resolution No.  
59 20140626-089, Resolution No. 20140626-100, Resolution No. 20160204-038,  
60 Resolution No. 20160616-035, Resolution No. 20161013-005, Resolution No.  
61 20161103-045, Resolution No. 20170323-052, Resolution No. 20171207-058,

62 Resolution No. 20180323-052, Resolution No. 20181004-042, Resolution No.  
63 20181101-024 and Resolution No. 20190131-038; and

64 **WHEREAS**, Economic Development Department has begun to initiate  
65 redevelopment of several city-owned properties; and

66 **WHEREAS**, as the City moves forward with development of city-owned  
67 properties, the City's third party development agreements should mirror the values of the  
68 Council and the community, and the City's agreements and expectations with third party  
69 contractors should be standardized, predictable, and consistent; **NOW, THEREFORE:**

70 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

71 That third party agreements more than \$1 million in project value comply with the  
72 standards and principles of the Better Builder Program® or a program with comparable  
73 worker protections for all construction workers performing work including, but not  
74 limited to, the following:

- 75 1. Wages no less than the City of Austin living wage as defined in Austin City  
76 Ordinance No. 20160324-015;
- 77 2. Completion of OSHA 10-hour training;
- 78 3. Workers' Compensation insurance coverage;
- 79 4. Hiring goals from local craft training programs that at least meet the  
80 requirements of Resolution No. 20180628-061;
- 81 5. Compliance with all applicable state, federal, and local laws; and

82 6. Independent on-site monitoring by an entity that is neither a construction  
83 company nor affiliated with a construction company, or by an individual that is  
84 neither employed by a construction company nor affiliated with a construction  
85 company.

86 **BE IT FURTHER RESOLVED:**

87 It is the policy of the City that buildings developed on city-owned land must have  
88 at least an Austin Energy Green Building two star and/or LEED Silver rating.

89 **BE IT FURTHER RESOLVED:**

90 The City Manager is directed to determine how the City could implement the goal  
91 of requiring all developments on city-owned land to create zero waste, net zero energy,  
92 and net positive water buildings.

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96 **ADOPTED:** \_\_\_\_\_, 2019

**ATTEST:** \_\_\_\_\_

Jannette S. Goodall  
City Clerk

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