

**RESOLUTION NO. 20190619-091**

**WHEREAS**, on November 29, 2007, City Council approved Resolution 20071129-045 requiring new municipal buildings and major renovations with construction costs of more than \$2 million to meet a LEED Silver Rating; and

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

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

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

**WHEREAS**, in 2012, Council repealed Resolution No. 20071108-127 and replaced it with Resolution No. 20120112-058, which included the following amendments:

- Applied standards and principles to facilities constructed following a City endorsement pursuant to the Major Events Trust Fund statute;
- Encouraged the recruitment of employees from Austin;

- Applied sanctions to violations of the standards and principles of the MBE/WBE Procurement Program;
- Stipulated that failure to comply with contract terms results in forfeiture of funds received from the City; and

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

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

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

**WHEREAS**, the City Manager has thus committed to Better Builder Program® requirements for the Austin Energy Headquarters and to ensure that a significant number of the construction contractors on the Headquarters and at the Airport Consolidated Maintenance Facility are graduates or current students of DOL's registered apprenticeships programs; and

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

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

**WHEREAS**, the Council has passed resolutions pertaining to the redevelopment of city-owned land for the purposes of generating community benefits, such as Resolution No. 20130117-054, Resolution No. 20140417-049, Resolution No.

20140626-089, Resolution No. 20140626-100, Resolution No. 20160204-038, Resolution No. 20160616-035, Resolution No. 20161013-005, Resolution No. 20161103-045, Resolution No. 20170323-052, Resolution No. 20171207-058, Resolution No. 20180323-052, Resolution No. 20181004-042, Resolution No. 20181101-024 and Resolution No. 20190131-038; and

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

**WHEREAS**, a cross-Departmental team led by the Office of Sustainability and Public Works Department has been reviewing the existing City of Austin Green Building Policy and is preparing proposed revisions that will also address public private partnership projects; and

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

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

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

1. Wages no less than the City of Austin living wage as defined in Austin City Ordinance No. 20160324-015;
2. Completion of OSHA 10-hour training;
3. Workers' Compensation insurance coverage;
4. Hiring goals from local craft training programs that at least meet the requirements of Resolution No. 20180628-061;
5. Compliance with all applicable state, federal, and local laws; and
6. Independent on-site monitoring by an entity that is neither a construction company nor affiliated with a construction company, or by an individual that is neither employed by a construction company nor affiliated with a construction company.

**BE IT FURTHER RESOLVED:**

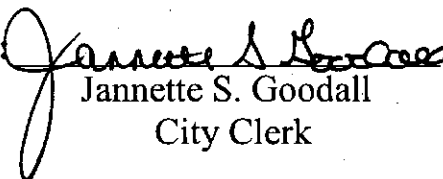
It is the policy of the City that buildings developed on city-owned land with over \$2 million in construction costs must have at least an Austin Energy Green Building three star and/or LEED Silver rating.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to determine how the City could implement the goal of requiring all developments on city-owned land to create zero waste, net zero energy, and net positive water buildings and to prepare recommendations on updates to the existing green building policy (Resolution Number 20071129-045) to further consider

public private partnership projects (P3s's), minor renovations, and leased spaces, and provide feedback on appropriate thresholds and policy revisions by September 1, 2019.

**ADOPTED:** June 19, 2019

**ATTEST**   
Jannette S. Goodall  
City Clerk