

1 **RESOLUTION NO.**

2
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14 **WHEREAS**, in 2012, Council repealed Resolution No. 20071108-127 and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;

- 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

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

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 must have at least an Austin Energy Green Building two 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.

ADOPTED: _____, 2019

ATTEST: _____

Jannette S. Goodall
City Clerk