Appendix VI

Resolutions

RESOLUTION NO. 20090806-037

WHEREAS, the state and federal government do not currently provide protections against discrimination against an individual based on sexual orientation or gender identity; and

WHEREAS, it is a value of the City of Austin to be an open and inclusive city for all of its citizens, including those who are lesbian, gay, bisexual or transgender (LGBT); and

WHEREAS, in 1992, the City of Austin passed an Ordinance creating Chapter 7-4, now codified as Chapter 5-4 (*Discrimination in Employment by City Contractors*) of the City Code to prohibit discrimination in employment by City Contractors, including discrimination against an individual based on sexual orientation or gender identity (added in Ord. 20040610-7); and

WHEREAS, on May 13, 2006, City of Austin voters amended the City Charter to allow domestic partner benefits for City employees; and

WHEREAS, the City encourages and wants to attract companies that provide non-discrimination policies that include both sexual orientation and gender identity, as well as provide domestic partner benefits to their LGBT employees and their families; and

WHEREAS, in 1992 the Austin City Council also passed an ordinance declaring that it is the policy of the City to provide opportunity for each person to obtain employment without regard to race, color, religion, sex, sexual

orientation, gender identity, national origin, age, or disability, and the Human Resources Department is currently reviewing the City's personnel policies and other internal guidelines, including the City's Equal Opportunity and Non-discrimination statements; **NOW, THEREFORE,**

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

That the City Manager is directed to amend the City's Standard Terms and Conditions used in competitive procurements required by state law: (1) to require a copy of the contractor's employment non-discrimination policy when applying for City contracting opportunities and (2) to specify that non-compliance with Chapter 5-4 will terminate a contract and may hinder a contractor's eligibility for future contracts until deemed compliant with Chapter 5-4.

BE IT FURTHER RESOLVED:

To assist contractors with this administrative change, the City Manager shall prepare a model non-discriminatory policy for use by City contractors.

BE IT FURTHER RESOLVED:

That the City Manager is directed to review and amend all economic development loan programs and incentives, such as the Economic Development Business Information Forms, to encourage Domestic Partner benefits and non-discrimination policies including sexual orientation and gender identity.

BE IT FURTHER RESOLVED:

The City Manager is directed to review the City's current compliance processes related to contractor non-discrimination and report back to council on changes that would ensure more effective compliance monitoring.

BE IT FURTHER RESOLVED:

The City Manager is directed to report to the Minority-Owned and Women-Owned Business Enterprise and Small Business Council Committee and council on the Human Resources Department's review of the City's personnel policies and other internal guidelines related to non-discrimination for sexual orientation and gender identity.

ADOPTED: August 6 **, 2009** **ATTEST:** Shirley A. Gentry

Shirley A. Gentry
City Clerk

RESOLUTION NO. 20110113-040

WHEREAS, the Comprehensive Housing Market Study, commissioned by the City of Austin in 2009, identified very low-income renters as one of the most underserved populations in the market overall and found that there is a tremendous need for rental housing affordable to those earning 0-30% of the area's median family income; and

WHEREAS, Permanent Supportive Housing is an effective way to help very low-income families with multiple barriers to housing stability by linking a range of support services that enable tenants, especially the able homeless, to live independently and participate in community life; and

WHEREAS, on March 25, 2010, the Austin City Council passed Resolution 20100325-053 directing the City Manager to give priority to the funding of permanent supportive housing and to develop a comprehensive strategy for the construction and operation of 350 permanent supportive housing units over the next four years; and

WHEREAS, on September 30, 2010, to implement this council directive, the City Manager produced the Permanent Supportive Housing Strategy, which identifies community outreach, education, and collaborative two-way communication as critical components to the success of any permanent supportive housing effort; and

WHEREAS, the Austin Neighborhoods Council, which represents approximately 90 neighborhood associations across Austin, has adopted two resolutions supporting 'policies that will increase the quantity and quality of

affordable housing for low and middle-income households throughout the municipality' and 'projects providing housing for the homeless that is dispersed throughout Austin'; and

WHEREAS, a broad community dialogue that includes stakeholders from neighborhoods all across Austin is needed to establish successful approaches for integrating low-income housing throughout the city; **NOW, THEREFORE,**

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

That the City Manager is directed to research best practices from other cities on engaging communities and building support for permanent supportive housing projects.

BE IT FURTHER RESOLVED:

The City Manager shall report his findings and recommendations to the Comprehensive Planning and Transportation Subcommittee by March 7, 2011 wherein the committee members will receive public comment and identify a schedule for additional community dialogue. The stakeholder discussion should start no later than March 21, 2011.

ADOPTED: January 13, 2011 **ATTEST:** Shirley A. Gentry

Shirley A. Gentry
City Clerk

RESOLUTION NO. 20110818-079

WHEREAS, the City Council of the City of Austin, and the citizens it represents, are deeply concerned about the harmful effects of alternative financial service business practices, including payday lenders and auto title lenders, in the City of Austin and elsewhere in the state of Texas; and

WHEREAS, in the state of Texas there are over 2,800 of these unlicensed and unregulated lending storefronts draining over $600 million in loan fees and lost assets from our communities every year; and

WHEREAS, these businesses in our local community promise "easy credit" that in fact hurt consumers with annual interest rates often between 300% and 500%, and loan terms that pull people deeper into debt; and

WHEREAS, 15 states have adopted a 36% or lower annual percentage rate cap for these small loans, and the federal government has adopted a similar rate cap for payday and auto title loans to military personnel based on a Department of Defense finding that these loans, "undermine military readiness, harm the morale of troops and their families, and add to the cost of fielding an all-volunteer fighting force"; and

WHEREAS, the City of Austin does not have the authority to regulate interest rates, but does have land use authority; and

WHEREAS, the City Council believes there is a public benefit to restricting locations of payday and auto title lenders to reduce the negative impact on consumers in our community; **NOW, THEREFORE,**

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

The City Council initiates code amendments to City Code Title 25 (*Land Development Code*) and directs the City Manager to process code amendments to regulate the location and use of buildings and land for alternative financial services businesses in a manner substantially consistent with the purpose and objectives of the attached Exhibit A.

ADOPTED: August 18, 2011 **ATTEST:** Shirley A. Gentry

Shirley A. Gentry
City Clerk

EXHIBIT A

Add the following new definition to Commercial Uses Described:

Alternative Financial Services Businesses use is the use of a site for the provision of check cashing, payday advance or loan, money-transfer, or motor vehicle title loan services, or a credit access business as defined in this section.

1. This definition excludes:
    a. A state or federally chartered bank, savings and loan association or credit union, or a pawnshop, and;
    b. A convenience store, supermarket, or other retail establishment where consumer retail sales constitute at least 75% of the total gross revenue generated on site.
2. *Check cashing business.* An establishment that provides one or more of the following:
    a. An amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction;
    b. An agreement not to cash a check or execute an electronic transfer of money for a specified period of time; or
    c. The cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any person or entity for a fee.
3. *Payday advance/loan business.* An establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until a customer's next payday, and then cashed unless the customer repays the loan to reclaim such person's check. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount.
4. *Car title loan business.* An establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.
5. *Credit Access Business* as defined in Section 393.601 of the Texas Finance Code.

Amend the Financial Services Commercial Uses Described definition:

Financial Services use is the use of a site for the provision of financial and banking services. This use includes banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services. <u>This excludes uses described in ALTERNATIVE FINANCIAL SERVICES BUSINESSES.</u>

Add a new section to regulate Alternative Financial Services Businesses uses:

Alternative Financial Services Businesses

1. Except as provided in Subsection 2, an alternative financial services business is a permitted use in a CS zoning district and is a conditional use in an LR or DMU zoning district.

2. An alternative financial service business may not be located on a lot:

   a. That is within one thousand (1,000) feet of a lot containing another credit access business.

   b. That is within two hundred (200) feet from a lot zoned or used for residential purposes.

   c. That is within five hundred (500) feet of the rights-of-way of Interstate Highway 35, U.S. Highway 183, U.S. Highway 290, Texas State Highway Loop 360, Texas State Highway Loop 1, and Texas State Highway 45.

   d. That is within the East Austin Overlay District, Waterfront Overlay District, or the University Neighborhood Overlay District.

3. An alternative financial service business shall be situated only within a freestanding building and shall not be co-located in the same structure as other uses.

ORDINANCE NO. 20120628-034

AN ORDINANCE DESIGNATING BLACKLAND COMMUNITY DEVELOPMENT CORPORATION, CHESTNUT NEIGHBORHOOD REVITALIZATION CORPORATION, AND GUADALUPE NEIGHBORHOOD DEVELOPMENT CORPORATION AS COMMUNITY LAND TRUSTS AND GRANTING THOSE CORPORATIONS PROPERTY TAX EXEMPTIONS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Blackland Community Development Corporation, Chestnut Neighborhood Revitalization Corporation, and Guadalupe Neighborhood Development Corporation meet the definition of a Community Land Trust set forth in Article 4 of Chapter 11-1 of the Code of Ordinances and are designated as Community Land Trusts.

PART 2. Blackland Community Development Corporation meets the criteria set forth in Article 4 of Chapter 11-1 for property tax exemptions and is granted a property tax exemption for the real property and improvements described in the attached Exhibit A consisting of one page.

PART 3. Chestnut Neighborhood Revitalization Corporation meets the criteria set forth in Article 4 of Chapter 11-1 for property tax exemptions and is granted a property tax exemption for the real property and improvements described in the attached Exhibit B consisting of one page.

PART 4. Guadalupe Neighborhood Development Corporation meets the criteria set forth in Article 4 of Chapter 11-1 for property tax exemptions and is granted a property tax exemption for the real property and improvements described in the attached Exhibit C consisting of two pages.

PART 5. State law requires that a property tax exemption be granted prior to July 1, which is prior to the standard effective date of an ordinance, and this constitutes an

emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the preservation of the public peace, health, and safety.

PASSED AND APPROVED

§
§
June 28, 2012 §

Lee Leffingwell
Mayor

APPROVED:

Karen M. Kennard
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk

EXHIBIT A

Blackland CDC Properties for Community Land Trust

Property ID	Address	TCAD Value	% tax liability	City Taxes Saved	# Units
Developed Properties					
202201	E 1708 22nd A&B	171,476.00	0	0	2
202212	2201 SALINA ST	249,568.00	0	0	1
202213	2203 SALINA ST	198,530.00	0	0	1
202219	1904 A&B E. 22nd	195,632.00	0	0	2
202236	1701 E 22nd ST A	181,429.00	0	0	1
	1701 E 22nd ST B		0	0	1
202237	E 1703 22 ST	202,884.00	0	0	1
202239	2110 SALINA ST	214,160.00	0	0	1
202245	E 1702 21 ST	212,938.00	0	0	1
202248	2106 CHICON ST	181,026.00	0	0	1
202250	2102 CHICON ST	216,552.00	0	0	1
202292	2012 Chicon A&B	141,722.00	0	0	2
202293	2008 Chicon A&B	147,283.00	0	0	2
202294	2004 Chicon A&B	147,283.00	0	0	2
202295	2000 Chicon A&B	147,283.00	0	0	2
202306	2016 ALAMO ST	165,888.00	0	0	1
202332	1910 SALINA ST	253,290.00	0	0	1
202339	E 1700 A MLK	156,247.00	0	0	1
202338	E. 1700 B MLK	176,327.00	0	0	1
202345	E 1804 M L KING JR	195,451.00	0	0	1
567161	2109 SALINA ST	187,485.00	0	0	1
567162	2111 SALINA ST	225,195.00	0	0	2
	(1803 E. 22nd B)		0	0	
567163	2113 SALINA ST	226,696.00	0	0	2
	(1803 E. 22nd A)		0	0	
202218	E 1902 E. 22nd	152,508.00	0	0	1
202341	E 1803 20 ST	255,840.00	100	1,230.80	8
Undeveloped Properties (vacant lots)					
203987	2106 CHESTNUT AV	50,000.00	100	120.28	0
202217	E 1900 22nd ST	125,000	0	0	0

EXHIBIT B

Chestnut Neighborhood Revitalization Corporation

Address	Parcel Number	TCAD Value	Tax Liability
1212 Chicon	208090305	$45,804	$1,081.99
1807 E. 13th	208090304	$72,500	$2,024.94
1301 Chicon	209092309	$84,470	$2,005.26
1301 1/2 Chicon	209092310	$74,367	$1,771.65
1305 Chicon	209092311	$32,325	$2,761.51
1309 Chicon	209092301	$145,000	$4,049.91
Total		$454,466	$13,695.26

EXHIBIT C

GUADALUPE NEIGHBORHOOD DEVELOPMENT CORPORATION

CLT PROPERTY LIST, APPRAISED VALUE & EXPECTED CURRENT YEAR TAX SAVINGS

1313 Willow Street, Austin, Texas 78702

TCAD PID #188739

TCAD Ref ID2 #02020505110000

TCAD 2012 Preliminary Land Valuation: $66,000. See the attachment.

City Taxes $0.4855 per $100 value = $320.43

Current Taxes = $0.00

Totally Exempt

Expected property tax savings for the current year = *$0.00*

TaxNetUSA: Travis County Property Information

Property ID Number: 188739 Ref ID2 Number: 02020505110000

Owner's Name **GUADALUPE NEIGHBORHOOD**

Mailing Address: DEVELOPMENT CORPORATION
813 E 8TH ST
AUSTIN, TX 78702-3282

Location: 1313 WILLOW ST 78702

Legal: N55 FT OF LOT 30 OLT 33 DIV O CANTERBURY SQUARE

Value Information

	2012 Preliminary
Land Value	66,000.00
Improvement Value	~~54,260.00~~ demolished May 2012
AG Value	0.00
AG Productivity Value	0.00
Timber Value	0.00
Timber Productivity Value	0.00
Assessed Value	120,260.00
10% Cap Value	0.00
Total Value	120,260.00

Property Details

Deed Date	03211990
Deed Volume	11152
Deed Page	00227
Exemptions	TOT
Freeze Exempt	F
ARB Protest	F
Agent Code	0
Land Acres	0.0803
Block	
Tract or Lot	30
Docket No	
Abstract Code	S02247
Neighborhood Code	E0120

Data up to date as of 2012-05-30

RELIGIOUS EXEMPTION FORM | RELIGIOUS EXEMPTION FORM | FREEPORT EXEMPTION FORM | HOMESTEAD

PRINTER FRIENDLY REPORT | RELIGIOUS EXEMPTION FORM | RELIGIOUS EXEMPTION FORM | PLAT MAP

Value By Jurisdiction

Entity Code	Entity Name	2011 Tax Rate	Assessed Value	Taxable Value	Market Value	Appraised Value
0A	TRAVIS CENTRAL APP DIST		120,260.00	0.00	120,260.00	120,260.00
01	AUSTIN ISD	1.242000	120,260.00	0.00	120,260.00	120,260.00
02	CITY OF AUSTIN	0.481100	120,260.00	0.00	120,260.00	120,260.00
03	TRAVIS COUNTY	0.485500	120,260.00	0.00	120,260.00	120,260.00

MEMORANDUM

TO: Mayor and Council

FROM: Marc A. Ott, City Manager

DATE: November 2, 2009

SUBJECT: **COBRA-Like Benefits for Domestic Partners**

In September, my office was made aware of a situation regarding the death of one of our employees, and the request of their domestic partner to receive COBRA. The Consolidated Omnibus Budget Reconciliation Act (COBRA) is federal legislation requiring employers to extend healthcare coverage to employees and qualified dependents for certain qualifying events such as termination, divorce, or death.

Since COBRA is a federal program, it uses the definition of "spouse" that is defined by the federal Defense of Marriage Act (DOMA). DOMA defines the word "spouse" as a husband or wife of the opposite sex. DOMA's definitions apply to all references to "marriage" or "spouse" contained in any federal law, including, without limitation, to COBRA. Thus, COBRA coverage is not extended to same-sex spouses, civil partners, or domestic partners.

In the spirit of the recently approved non-discrimination policy, please see the attached report regarding the City of Austin providing COBRA-Like benefits for domestic partners. Currently we have 228 domestic partners covered by the City's domestic partner benefit. The attached recommended action is consistent with prior council direction and will not increase the FY10 budget.

If you have any questions regarding this new benefit, please do not hesitate to call me or my Chief of Staff, Anthony Snipes. Thank you.

cc: Anthony J. Snipes, Chief of Staff
Mark Washington, HRD Director
Tommy Tucker, HRD Assistant Director

INFORMAL REPORT TO CITY COUNCIL MEMBERS

Date: 11/2/09

To the Mayor and Members of the City Council

SUBJECT: Extending COBRA-like Benefits to Domestic Partners

Purpose

In recent months, several Council members have requested a review on COBRA benefits for domestic partners. The Human Resources Department (HRD) had been contacted by a domestic partner of a recently deceased employee who had been informed his benefit would cease and he was not eligible to receive the COBRA benefit. Based on this circumstance and Council interest, I directed the Human Resources Department to review the current policy. Below are their findings, as well as my plan of action.

Background

The Consolidated Omnibus Budget Reconciliation Act (COBRA) is federal legislation requiring employers to extend healthcare coverage to employees and qualified dependents for certain qualifying events such as termination, divorce, or death. Highlights of the program include the following:

- The length of time COBRA coverage continues will vary based on the event but can be from 18 to 36 months.
- The COBRA enrollee pays both the employee and employer cost of the premium plus an administrative fee.
- The Act defines qualified dependents as the spouse or dependent children. A domestic partner is not a qualified beneficiary and has no COBRA election rights even if covered under the healthcare plan on the day before a qualifying event.

The City currently offers domestic partner benefits to employees and retirees but COBRA benefits were not previously extended since domestic partners were not covered by the Federal law. Based on the request of a surviving domestic partner of an employee to have COBRA benefits, the Human Resources Department (HRD) staff met with several council offices on September 30, 2009. Council Members' staff expressed interest in extending "COBRA-like" benefits to domestic partners. Also discussed was whether this could be accomplished administratively by means of City Manager approval or required Council approval.

Analysis

Staff evaluated the following in creating a "COBRA-like" benefit for Domestic Partners.

1. Financial impact – Towers Perrin, the City's benefits actuary, has reviewed the financial impact and indicated it is cost neutral. However, since the City is self-insured, a conservative

Date: 11/2/09

To the Mayor and Members of the City Council

SUBJECT: Extending COBRA-like Benefits to Domestic Partners

staff fiscal perspective is to recognize the risk that we could have catastrophic claims and expose the City to additional cost. The City carries stop-loss coverage which caps claims at $500,000.

2. Survey employer groups – HRD surveyed 9 employers and found that 2 offer the COBRA-like benefit to domestic partners (Dell currently does and El Paso effective 01/2010. Travis County, Fort Worth, Houston, San Antonio, Amarillo, LCRA and Samsung do not offer COBRA-like coverage to domestic partners.)
3. Legal review - HRD confirmed with the Law Department that the City can offer the proposed benefits and that the City Manager can implement a plan addendum for the remainder of 2009.
4. United HealthCare and Erisa can administer the benefit under our current contracts.
5. Non-discrimination – reaffirms the spirit of the recently approved RCA amending the personnel polices regarding non-discrimination based upon gender identity, as well as sexual orientation.

This plan amendment can be done by me since the total cost of medical benefits will be within the appropriated budget for FY10. HRD proposes to "grandfather" the domestic partner of the deceased employee that raised the issue. Although COBRA has a 60-day eligibility period, this proposed benefit is not governed by COBRA. Coverage is to become effective with the lapse of coverage on August 29, 2009.

Marc A. Ott
City Manager