



City of Pflugerville

Legislation Details (With Text)

File #: RES-0724 **Version:** 2 **Name:**
Type: Resolution **Status:** Passed
File created: 4/30/2020 **In control:** City Manager Office
On agenda: 11/10/2020 **Final action:** 11/10/2020
Title: Approving a resolution authorizing the City Manager to execute a Second Amendment of the Amended and Restated Non-Annexation Development Agreement by and between the City of Pflugerville and East Blackland Solar Project 1 LLC .

Sponsors:

Indexes:

Code sections:

Attachments: 1. Cover Letter regarding request, 2. Resolution, 3. Exhibit A of the Resolution, 4. Pflugerville Solar Project Overview, 5. Pflugerville Sun Newsletter_September 2020, 6. Progress Photos

Date	Ver.	Action By	Action	Result
11/10/2020	2	City Council	Adopted	Pass
5/12/2020	1	City Council	No action	

Approving a resolution authorizing the City Manager to execute a Second Amendment of the Amended and Restated Non-Annexation Development Agreement by and between the City of Pflugerville and East Blackland Solar Project 1 LLC .

The Pflugerville Solar Farm is proposed in the far eastern portion of the Pflugerville extraterritorial jurisdiction (ETJ) in the vicinity of Manda Carlson Road and Sandeen Road. In December 2018, the Pflugerville City Council approved Resolution 1672-18-12-18-0512 authorizing the First Amendment of the Amended and Restated Non-Annexation Development Agreement which provided for the extension of deadlines. No additional consideration has been granted to this project. The resultant deadlines were to commence construction by December 31, 2019, and complete the project by December 31, 2020. Attached, please find a letter denoting the level of compliance with commencement of construction that was provided to the City late last year. Staff reviewed, and considered it to be sufficient, but the completion of the project by the end of 2020 is still required to maintain the non-annexation agreement.

Staff has continued to be in communication with the project team, Recurrent Energy. Recurrent notified the City this spring of their inability to complete the project by the end of 2020 as noted in their attached letter dated March 9th and requests to extend the completion deadline by one year to December 31, 2021. A request to extend the deadline was considered on May 12, 2020 and no action was taken. Since, as noted in the various attachments, the construction of the project has begun having acquired a power purchase agreement with Austin Energy.

A new provision has been incorporated into the Agreement regarding plans for Decommissioning of the site. Section 3 provides that within a year of the Final Project Completion, the Landowner shall develop an initial plan for the decommissioning and restoration of the site for the City's approval. At least 90 days prior to the decommissioning of the solar electricity generation facility, the Landowner will provide a final decommissioning and restoration plan for City approval that is consistent with the

initial plan as well as a petition for annexation of the property assuming contiguousness to the City Limits.

Recurrent Energy has also established a project website: <https://recurrentenergy.com/pflugerville-solar-project/>.

Prior City Council Action

December 18, 2018 - City Council approved Resolution 1672-18-12-18-0512 authorizing the First Amendment of the Amended and Restated Non-Annexation Development Agreement.

Deadline for City Council Action

There is no deadline for approval of this item.

Funding Expected: Revenue Expenditure N/A

Budgeted Item: Yes No N/A

Amount: _____

1295 Form Required? Yes No

Legal Review Required: N/A Required Date Completed: November 3, 2020

Supporting documents attached:

- Cover Letter regarding request
- Resolution
- Exhibit A
- Pflugerville Solar Project Overview
- Pflugerville Sun Newsletter
- Progress Photos

Recommended Action

Approve the Resolution authorizing the City Manager to execute a Second Amendment of the Amended and Restated Non-Annexation Development Agreement by and between the City of Pflugerville and East Blackland Solar Project 1 LLC .