



City of Pflugerville

Legislation Details (With Text)

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On agenda: 9/26/2017 **Final action:** 9/26/2017

Title: Approving a resolution with the caption reading: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING A REQUEST FOR THE VOLUNTARY EXPANSION OF THE CITY'S EXTRATERRITORIAL JURISDICTION AND THE ACCEPTANCE OF NON-ANNEXATION DEVELOPMENT AGREEMENT, AS AMENDED AND RESTATED, BY AND BETWEEN THE CITY OF PFLUGERVILLE AND SARVI, LLC, A TEXAS LIMITED LIABILITY COMPANY, YAJAT, LLC, A TEXAS LIMITED LIABILITY COMPANY, SARVI YAJAT PARTNERSHIP, A TEXAS GENERAL PARTNERSHIP (INCORRECTLY REFERRED TO AS SARVI YAJAT PARTNERSHIP, LLC IN THE AGREEMENT DATED JUNE 9, 2017) AND RRE AUSTIN SOLAR, LLC, ITS SUCCESSORS AND ASSIGNS, AFFECTING REAL PROPERTY IN THE CITY'S EXISTING AND EXPANDED EXTRATERRITORIAL JURISDICTION.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Vicinity Map, 2. Resolution, 3. Agreement, 4. Travis County Certified Minutes Excerpt, 5. RES 1549-17-03-14-0386, 6. June 9, 2017 non-annexation development agreement

Date	Ver.	Action By	Action	Result
9/26/2017	1	City Council	Approved	Pass

Approving a resolution with the caption reading: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING A REQUEST FOR THE VOLUNTARY EXPANSION OF THE CITY'S EXTRATERRITORIAL JURISDICTION AND THE ACCEPTANCE OF NON-ANNEXATION DEVELOPMENT AGREEMENT, AS AMENDED AND RESTATED, BY AND BETWEEN THE CITY OF PFLUGERVILLE AND SARVI, LLC, A TEXAS LIMITED LIABILITY COMPANY, YAJAT, LLC, A TEXAS LIMITED LIABILITY COMPANY, SARVI YAJAT PARTNERSHIP, A TEXAS GENERAL PARTNERSHIP (INCORRECTLY REFERRED TO AS SARVI YAJAT PARTNERSHIP, LLC IN THE AGREEMENT DATED JUNE 9, 2017) AND RRE AUSTIN SOLAR, LLC, ITS SUCCESSORS AND ASSIGNS, AFFECTING REAL PROPERTY IN THE CITY'S EXISTING AND EXPANDED EXTRATERRITORIAL JURISDICTION.

RRE Austin Solar LLC is taking steps to reinitiate its efforts to establish the Pflugerville Solar Farm. The location is generally east of FM 973, along Manda Carlson Road at the eastern edge of the Pflugerville extraterritorial jurisdiction (ETJ). RRE anticipates acquiring additional property in support of the project that may extend beyond the current reach of the City's ETJ, and will request annexation of these parcels into the City's ETJ. Some of the parcels extend beyond the City's ETJ agreement with the City of Manor, in which unless Manor consented to amend the agreement, the tracts would eventually be subject to the Manor ETJ.

The essential terms of the agreement, if approved, include the following:

- City agrees to non annexation parcels for period of 35 years, previously 25 years
- The project must commence construction by December 31, 2018, and be completed by December

31, 2019 with 120 Megawatts AC or more of capacity that shall be fully operational.

- Allows the City to annex the tracts at the end of the term by voluntary annexation, or upon default
- Agreement defaults if the project fails to meet benchmark deadlines or fails to maintain continuous operation for a period of six consecutive or non-consecutive months within a 12-month rolling period
- Allows the City to extend the ETJ to encompass any additional contiguous tracts acquired for the project, to the extent they are not impacted by the ETJ agreement with the city of Manor
- Allows the City to further extend the city limits/ETJ upon establishing contiguity of the city limits or Chapter 43 non-annexation development agreements to the project
- Limits the permissible uses of the tracts to a solar farm as shown in Exhibit B-1 to the Agreement
- Allows the City to apply additional regulations to the project as provided in Exhibit C.

Status

Travis County Commissioners Court acted on December 20, 2016 to approve an extension to the provisions of the RRE Solar Chapter 381 Agreement from 12/31/2016 to 3/31/2017, and other directives provided in the attached Certified Minutes Excerpt.

An Interconnection Agreement was approved by the Lower Colorado River Authority (LCRA) Board on February 16, 2017.

Prior City Council Action

The City Council approved an incentive agreement on June 1, 2010 in support of the construction of a large solar array project proposed for the far eastern portion of the City's extraterritorial jurisdiction (ETJ). The developer breached the terms of the agreement, and the agreement terminated.

The City Council approved the attached Resolution No. 1549-17-03-14-0386 on March 14, 2017, for the non-annexation development agreement dated June 9, 2017.

Deadline for City Council Action

Action is requested on September 26, 2017.

Projected Future City Council Action

No additional action is anticipated with this item.

Fiscal Impact

There is no fiscal impact associated with the approval of this item.

Staff Recommendation

Staff recommends approval of this item.

Drafter

Trey Fletcher, AICP
Assistant City Manager