



# City of Pflugerville

## Legislation Details (With Text)

<b>File #:</b>	RES-0512	<b>Version:</b>	3	<b>Name:</b>	
<b>Type:</b>	Resolution	<b>Status:</b>	Discuss and consider action		
<b>File created:</b>	4/25/2018	<b>In control:</b>	City Council		
<b>On agenda:</b>	12/18/2018	<b>Final action:</b>	12/18/2018		
<b>Title:</b>	Discuss and consider action to approve a resolution authorizing amendment of the non-annexation development agreement by and between the City of Pflugerville and Sarvi, LLC, Yajat, LLC, and Sarvi Yajat Partnership, and RRE Austin Solar, LLC, to extend deadlines.				

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Letter of Intent, 2. Resolution, 3. Proposed Agreement, 4. Vicinity Map, 5. Recorded - Amended and Restated Non-Annexation Development Agreement

Date	Ver.	Action By	Action	Result
12/18/2018	3	City Council	Approved	Pass
12/11/2018	2	City Council	Tabled	Pass
5/8/2018	1	City Council	Tabled	

Discuss and consider action to approve a resolution authorizing amendment of the non-annexation development agreement by and between the City of Pflugerville and Sarvi, LLC, Yajat, LLC, and Sarvi Yajat Partnership, and RRE Austin Solar, LLC, to extend deadlines.

RRE Austin Solar has acquired and assembled additional land for the development of a solar farm in the Pflugerville extraterritorial jurisdiction (ETJ). Pflugerville established the reinvestment zone in 2010 which has expired and the City Council approved an ordinance on first reading on April 24, 2018 to reestablish the zone. At that meeting, the City Council indicated concern with the construction deadlines established in the non-annexation agreement, as the developer now indicates construction is expected to be complete at the end of 2020. The ordinance was approved on second and final reading on May 8, 2018 that reestablished the zone.

The City Council approved Resolution No. 1587-17-09-26 on September 26, 2017 authorizing approval of the amended and restated non-annexation development agreement. The recorded non-annexation development agreement is attached.

### Status

At the April 24, 2018 City Council meeting while considering the ordinance related to the solar farm, the City Council indicated concern with the construction deadlines established in the non-annexation agreement, as the developer now indicates construction is expected to be complete at the end of 2020. A letter requesting the extension is attached. The project has obtained a power purchase agreement from Austin Energy. The associated press release can be found here: <https://austinenergy.com/ae/about/news/press-releases/2018/austin-city-council-approves-new-local-solar-project>.

The City Council tabled the item on December 11, 2018 due to concern that the City Council would need to take action to authorize the assignment of the agreement. After a review of the circumstances with the applicant, no assignments are needed at this time, but are forthcoming based on anticipated transactions associated with the development of the solar farm project. A joinder agreement will also be provided to include additional parcels into this non annexation agreement when triggered.

#### **Prior City Council Action**

The City Council approved Resolution No. 1549-17-03-14-0386 on March 14, 2017 authorizing a request for the voluntary expansion of the City's extraterritorial jurisdiction and the acceptance of non-annexation development agreement by and between the City of Pflugerville and RRE Austin Solar LLC, its successors and assigns, affecting real property in the City's existing and expanded extraterritorial jurisdiction.

The requested extension was on the December 11, 2018 agenda for consideration, but was tabled.

#### **Deadline for City Council Action**

Action is requested on December 18, 2018.

**Funding Expected:** Revenue ☐ Expenditure ☐ N/A ☒

**Budgeted Item:** Yes ☐ No ☐ N/A ☒

**Amount:** ☐ n/a ☐

**1295 Form Required?** Yes ☐ No ☒

**Legal Review Required:** N/A ☐ Required ☒ Date Completed: December 12, 2018

#### **Supporting documents attached:**

1. Letter of Intent
2. Resolution
3. Proposed Amendment
4. Vicinity Map
5. Recorded - Amended and Restated Non-Annexation Development Agreement

#### **Recommended Action**

Approve the extension of dates by one year to begin construction by December 31, 2018 to 2019, and completion of the project to 2020.