



## Recommendation for Action

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**File #:** 20-3784, **Agenda Item #:** 34.

12/10/2020

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### **Posting Language**

Approve an ordinance amending Ordinance No. 20200604-044 by deleting and replacing Exhibit "A" related to the Austin Green Improvement District No. 1 (Tesla site) Consent Agreement to amend deadlines in the Consent Agreement.

### **Lead Department**

Housing and Planning

### **Fiscal Note**

This item has no fiscal impact.

### **Prior Council Action:**

January 23, 2020 - approved Ordinance No. 20200123-068 on a 9-0 vote

June 4, 2020 - approved Ordinance No. 20200604-044 on a 10-0 vote

### **For More Information:**

Jerry Rusthoven, Housing and Planning Department, 512-974-3207.

### **Council Committee, Boards and Commission Action:**

MUD Consent Agreement

April 9, 2019 - a motion to recommend the creation of the District failed on a 4-1-2 vote by the Urban Transportation Commission

April 10, 2019 - approved on a 9-0 vote by the Water and Wastewater Commission

May 15, 2019 - approved on a 7-0 vote by the Environmental Commission

June 25, 2019 - a motion to take no action passed on a 7-0 vote by the Parks and Recreation Board

July 23, 2019 - recommended on a 9-0 vote by the Planning Commission

October 2, 2019 - recommended with conditions on a 7-0 vote by the Environmental Commission

January 23, 2020 - approved on 9-0 vote by City Council

### **Additional Backup Information:**

Special legislation approved during the 2017 Legislative Session created the Austin Green Improvement District No. 1 (formerly Rio de Vida Municipal Utility District) and provided that the City would be required to take action consenting to the creation of the District before February 14, 2020; otherwise, the statutory authority would expire. GroundWork, representing Martin Marietta Materials, Inc., submitted a petition requesting the City's consent to the creation of the District.

On January 23, 2020, Austin City Council adopted Ordinance No. 20200123-068, consenting to the creation of Austin Green Improvement District No. 1 and authorizing execution of a Consent Agreement, attached to the Ordinance as Exhibit "A". The Consent Agreement required the District to convene and approve the Consent Agreement by March 1, 2020, and approve a negotiated Strategic Partnership Agreement (SPA) by June 12, 2020. City Council adopted Ordinance No. 20200604-044, amending the deadlines in Sections 2.01 and 4.01 of the Consent Agreement to December 31, 2020.

Continued challenges related to COVID-19 have affected the District's ability to convene and hold the necessary public hearings to approve the Consent Agreement and SPA. The District has made a request for additional time.

**Recommendation:**

Staff recommends City Council amend Ordinance No. 20200604-044 to delete Exhibit "A" and replace with a new Exhibit "A" to amend the deadlines in Sections 2.01 and 4.01 of the Consent Agreement to March 15, 2021, and amend Article IX.

**Strategic Outcome(s):**

Economic Opportunity and Affordability