City of Hutto

<u>Agenda</u>

Hutto Economic Development Corporation Type A and Hutto Economic Development Corporation Type B Board of Directors Meeting Wednesday, April 6, 2022, at 6:30 PM City Council Chambers

In accordance with the Texas Open Meetings Act, this meeting agenda is posted for public information, continuously, for at least 72 hours before the scheduled time of the meeting on the bulletin board located on the exterior wall of the City Hall building at 500 West Live Oak, Hutto, Texas. This meeting agenda is also accessible via the Internet at huttotx.gov

1. CALL SESSION TO ORDER

2. ROLL CALL

2.1. Mike Arismendez, Chairman
Don Carlson, Vice Chairman
Shawn Lucas, Treasurer
Cheney Gamboa, Secretary
Mike Snyder, Board Member
Randal Clark, Board Member
Victor Henry, Board Member

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

Any citizen wishing to speak during public comment may do so after completing the required registration form. The purpose of this item is to allow the residents of Hutto and other interested persons an opportunity to address the Board of Directors of the Hutto Economic Development Corporation (HEDC) Type A and the Hutto Economic Development Corporation Type B on agenda issues and non-agenda issues (i.e., Corporation policy or legislative issues). Non-agenda issues regarding daily operational or administrative matters should be first dealt with at the administrative level by calling CityHall at (512) 759-4913 during business hours. Each person providing public comment will be limited to 3 minutes. (Note: The Texas Open Meetings Act, Texas Government Code, Chapter 551, prohibits governing bodies from a full discussion, debating, or considering subjects for which public notice has not been given on the agenda. Issues that cannot be referred to the Corporation Staff for action may be placed on the agenda of a future meeting.)

5. CONSENT AGENDA

5.1. Consideration and possible action on approval of the March 14, 2022, Special Called Economic Development Corporation Type A and the Hutto Economic Development Corporation Type B, Board of Directors Meeting minutes.

5.2. Update on monthly financials.

6. AGENDA ITEMS

6.1. Executive Director and Board Members' report on Innovating Commerce Serving Communities (ICSC) Conference at Red River held in Dallas, Texas on 3/30/22-4/1/22.

6.2. Update on Rule 202 Petition in the matter of Hutto Economic Development Type B vs. BCL of Texas, Cause Number 22-0128-C425, In the 425th Judicial District Court of Williamson County, Texas.

6.3. Update on the negotiations between HEDC and Oncor regarding the electrical utility easement on the Megasite at the corner of Hwy 79 and FM 3349.

7. EXECUTIVE SESSION

The Board will recess its open session and reconvene in executive session, in accordance with Texas Government Code Chapter 551 on the following items.

7.1. Pursuant to Texas Government Code Section 551.071 (Consult with Attorney), deliberate and seek the advice of its legal counsel regarding Rule 202 Petition in the matter of Hutto Economic Development Corporation Type B vs. BCL of Texas, Cause Number 22-0128-C425, In the 425th Judicial District Court of Williamson County, Texas.

7.2. Pursuant to Texas Government Code Sections 551.087 (Economic Development), 551.071 (Consult with Attorney), and Section 551.072 (Real Property), deliberate and seek the advice of its legal counsel regarding a Downtown tourism incentive, Megasite, and surrounding properties development and property conveyances, including options and consideration, Project D, Project E, Project Acropolis, and Pipeline Projects updates, Oncor's request for an easement on Corporate owned property, city water, and wastewater easement requests, Matterhorn Express Pipeline easement request.

8. ACTION RELATIVE TO EXECUTIVE SESSION

9. ADJOURNMENT

10. CERTIFICATION

I certify that this notice of the Economic Development Corporation Type A and the Hutto Economic Development Corporation Type B meeting was posted on the City of Hutto website and the City Hall bulletin board of the City of Hutto on April 3, 2022 at 5:00 pm

Gracie Perez

The City of Hutto is committed to complying with the Americans Disability Act. The Hutto City Council Chamber is wheelchair accessible. Request for reasonable special accommodations must be made48 hours before the meeting. Please email the City Secretary's office at City.Secretary@huttox.govor call (512) 759-4033 for assistance.

The Board reserves the right to recess the open session of the meeting and reconvene in Executive Session at any time between the meeting's opening and adjournment by majority vote on any item on the agenda for consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas

Government Code; deliberation regarding gifts and donations pursuant to Chapter 551.073 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in the open session.

This agenda has been reviewed and approved by the Board's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the item discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards may attend the meeting in numbers that may constitute a quorum of the body, board, commission, and/or committee. Notice is hereby given that the meeting, tothe extent required by law, is also noticed as a possible meeting of the other body, board, commission, and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions, and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action are specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

City of Hutto

Minutes

Hutto Economic Development Corporation Type A and
Hutto Economic Development Corporation Type B
Board of Directors Meeting
Monday, March 14, 2022, at 6:30 PM
City Council Chambers

In accordance with the Texas Open Meetings Act, this meeting agenda is posted for public information, continuously, for at least 72 hours before the scheduled time of the meeting on the bulletin board located on the exterior wall of the City Hall building at 500 West Live Oak, Hutto, Texas. This meeting agenda is also accessible via the Internet at huttotx.gov

1. **CALL SESSION TO ORDER –** 6:35 PM

2. **ROLL CALL**
   2.1. Present:
   Mike Arismendez, Chairman
   Don Carlson, Vice Chairman
   Shawn Lucas, Treasurer
   Mike Snyder, Board Member
   Randal Clark, Board Member
   Cheney Gamboa, Board Member

   Absent:
   Victor Henry, Board Member

3. **PLEDGE OF ALLEGIANCE**

4. **PUBLIC COMMENT -** None
   Any citizen wishing to speak during public comment may do so after completing the required registration form. The purpose of this item is to allow the residents of Hutto and other interested persons an opportunity to address the Hutto Economic Development Corporation Type A and the Hutto Economic Development Corporation Type B on agenda issues and non-agenda issues (i.e., Corporation policy or legislative issues). Non-agenda issues regarding daily operational or administrative matters should be first dealt with at the administrative level by calling CityHall at (512) 759-4913 during business hours. Each person providing public comment will be limited to3 minutes. (Note: The Texas Open Meetings Act, Texas Government Code, Chapter 551, prohibits governing bodies from a full discussion, debating, or considering subjects for which public notice has not been given on the agenda. Issues that cannot be referred to the Corporation Staff for action may be placed on the agenda of a future meeting.)

5. **CONSENT AGENDA**
   5.1. Consideration and possible action on approval of the March 1, 2022, Special Called Economic Development Corporation Type A and the Hutto Economic Development Corporation Type B, Board of Directors Meeting minutes.

5.2. Consideration and possible action on approval of the February 25, 2022, Special Called Economic Development Corporation Type A and the Hutto Economic Development Corporation Type B, Board of Directors Meeting minutes.

5.3. Consideration and possible action on approval of the February 14, 2022, Economic Development Corporation Type A and the Hutto Economic Development Corporation Type B, Board of Directors Meeting minutes.

5.4. Consideration and possible action on approval of the January 31, 2022, Special Called Economic Development Corporation Type A and the Hutto Economic Development Corporation Type B, Board of Directors Meeting minutes.

5.5. Consideration and possible action on approval of the January 27, 2022, Special Called Economic Development Corporation Type A and the Hutto Economic Development Corporation Type B, Board of Directors Meeting minutes.

5.6. Update on monthly financials.

Item 5.6. pulled by Board Member Cheney Gamboa. A motion was made by Shawn Lucas to approve all consent agenda items except 5.6. The motion was seconded by Don Carlson. The motion passed 6:0.

Item 5.6. was presented by Angie Rios, CFO.

6. AGENDA ITEMS

6.1. Discuss and consider action on a request by Oncor to convey an easement for utilities along HWY 79 and parallel to FM3349 on the Megasite.

A presentation was given by Armando Perez. Following the presentation, this item (6.1.) and items 6.2., 6.2.,6.4., and 6.5. were put on hold until after the Executive Session.

6.2. Discuss and consider action on a request by Matterhorn Express Pipeline for an easement on the Megasite.

6.3. Discuss and consider action to authorize the Board Chair to execute Assignment and Assumption agreements conveying Option to Purchase Real Property Agreements to the parties seeking them, as discussed in executive session, for the consideration discussed in executive session, for the applicable properties within the area between HWY 79, FM3349 and CR132.

6.4. Discuss and consider action on the request from TxDOT and Union Pacific Railroad for action to close railroad crossings adjacent to the Megasite.

6.5. Discuss and consider action on the proposed Downtown tourism incentive.

6.6. Discussion and action authorizing the disbursement of the second incentive to K-Tonic from the performance agreement with the Corporation.

A motion was made by Treasurer Shawn Lucas to approve the second incentive to K-Tonic from the performance agreement with the Corporation. The motion was seconded by Vice-Chair Don Carlson. The motion passed 6:0.

6.7. Updates from subcommittees

A discussion ensued regarding the website.

7. **EXECUTIVE SESSION –** Entered at 7:28 PM

7.1. Pursuant to Texas Government Code Section 551.087 (Economic Development), Section 551.071 (Consult with Attorney), and Section 551.072 deliberate real property, deliberate and seek the advice of its legal counsel regarding a Downtown tourism incentive, Megasite, and surrounding properties development and property conveyances, including options and consideration, Project E, Project D12, Oncor's request for an easement on Corporate owned property, city water, and wastewater easement requests, Matterhorn Express Pipeline easement request, Project Acropolis and Project Pipeline updates.

8. **ACTION RELATIVE TO EXECUTIVE SESSION –** Reconvened at 10:01 PM

8.1. Discuss and consider action on a Downtown tourism incentive, the Megasite project, property conveyances of properties surrounding the Megasite, conveyance of option to purchase land agreements surrounding the Megasite and related consideration, Project E, Oncor's request for an easement on Megasite property; city water, and wastewater easement requests, Matterhorn Express Pipeline easement request, Project Acropolis and Project Pipeline projects.

No action was taken during the Executive Session.

Item 6.1. was recalled.

6.1. Discuss and consider action on a request by Oncor to convey an easement for utilities along HWY 79 and parallel to FM3349 on the Megasite.
A motion was made by Treasurer Shawn Lucas to direct the Executive Director and Legal Counsel to negotiate favorable terms to convey the Oncor easement requested and bring those terms back to the Board for approval. The motion was seconded by Don Carlson. The motion passed 6:0.

6.2. Discuss and consider action on a request by Matterhorn Express Pipeline for an easement on the Megasite.

A motion was made by Board Member Cheney Gamboa directing Legal Counsel to investigate the pipeline easement requests and to bring the details and any proposal for the easement to the Board for discussion. The motion was seconded by Vice-Chair Don Carlson. The vote passed 5:1. Board Member Mike Snyder opposed.

6.3. Discuss and consider action to authorize the Board Chair to execute Assignment and Assumption agreements conveying Option to Purchase Real Property Agreements to the parties seeking them, as discussed in executive session, for the consideration discussed in executive session, for the applicable properties within the area between HWY 79, FM 3349 and CR132.

A motion was made by Treasurer Shawn Lucas authorizing the Board Chair to execute the appropriate assignment and assumption agreements as discussed in the Executive Session, conveying one or more options to purchase real property agreements to the prospects in Project R2D2, conveying one or more option to purchase real property agreements to the prospects in Project S, conveying one or more options to purchase real property agreements to the prospects in the project, Project M. The motion was seconded by Vice Chair Don Carlson. The vote passed 6:0.

6.4. Discuss and consider action on the request from TxDOT and Union Pacific Railroad for action to close railroad crossings adjacent to the Megasite.

A motion was made by Vice-Chair Don Carlson directing the Executive Director to work with TXDOT and Union Pacific Railroad on agreements to close the railroad crossings adjacent to the Megasite. The motion was seconded by Treasurer Shawn Lucas. The motion passed 6:0.

6.5. Discuss and consider action on the proposed Downtown tourism incentive.

Item 6.5. was tabled.

9. ADJOURNMENT – 10:06 PM

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Mike Arismendez, Chairman

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Gracie Perez, Assistant City Secretary