



# City of Hutto

## Agenda

### Special Called Joint Meeting of Cottonwood Development Corporation and Hutto Economic Development Corporation Types A & B Boards of Directors

**Thursday, March 2, 2023 at 5:30 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 prior to 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](http://huttotx.gov)

**1. CALL SESSION TO ORDER**

**2. ROLL CALL**

**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 Hutto Economic Development Corporation Type A and the Hutto Economic Development Corporation Type B on agenda issues and on 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 City Hall 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. Consider and approve Cottonwood Development Corporation Minutes from its Special Called Joint Meetings with Hutto Economic Development Corporation on 1/17/23 and 2/2/23 (CDC)

**6. AGENDA ITEMS**

6.1. Discuss and consider action on the developer's request in Project E, for an amendment extending the due diligence period for an additional 30 days from its current deadline in its Purchase and Sale Agreement with the corporation. (CDC)

**7. EXECUTIVE SESSION**

Receive legal advice pursuant to Texas Government Code Section 551.071 and 551.072 regarding Cottonwood Development Corporation v. Preston Hollow Capital et.al. and In Re Cottonwood Development Corporation, an original proceeding, both pending in the Texas Third District Court of Appeals, and the Cottonwood Land Sale by the Hutto Economic Development Corporation Type B.

**8. ACTION RELATIVE TO EXECUTIVE SESSION**

- 8.1. Consideration and possible action regarding legal advice received pursuant to Texas Government Code Section 551.071 and 551.072 regarding Cottonwood Development Corporation v. Preston Hollow Capital et.al., In Re Cottonwood Development Corporation, an original proceeding, both pending in the Third District Court of Appeals, and the Cottonwood Land Sale, to approve an increase of up to \$500,000 to the funding or funding and refunding agreement between the City and the Hutto Economic Development Corporation Type B, authorizing the expenditure pursuant to Texas Local Government Code Section 501.073a; approving an agreement to release deeds of trust on Cottonwood Development Corporation property and to secure contingent fee award in the trial court, authorizing an amendment to the Funding and Refunding agreement between the City of Hutto and the Hutto Economic Development Corporation Type B and reflecting the increase and authorizing HEDC Board Chair to execute all related documents on behalf of the HEDC. (CDC and HEDC)

**9. ADJOURNMENT**

**10. CERTIFICATION**

- 10.1. I certify that this notice of the Special Joint Meeting of the Hutto Economic Development Corporations Type A & Type B and the Cottonwood Development Corporation was posted on the City of Hutto website and the City Hall bulletin board of the City of Hutto on February 27, 2023 before 5:30 P.M.



**Angela Lewis**

The City of Hutto is committed to comply with the Americans Disability Act. The Hutto City Council Chamber is wheelchair accessible. Request for reasonable special accommodations must be made 48 hours prior to the meeting. Please email the City Secretary's office at [City.Secretary@huttotx.gov](mailto:City.Secretary@huttotx.gov) or 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 the purpose of 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 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, to the 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 is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.