City of Hutto

Agenda

Hutto Economic Development Corp. Type A and Type B Board of Directors Meeting Monday, May 8, 2023 at 6:30 PM

City Council Chambers (Quorum Location)

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

1. VIDEOCONFERENCE ATTENDANCE & LOCATION OF QUORUM NOTICE

1.1. Quorum Location: Hutto City Hall, City Council Chambers

This meeting is noticed pursuant to Texas Government Code Section 551.127 permitting videoconference attendance by one or more board members. Each portion of the meeting held by videoconference call that is required to be open to the public must be visible and audible to the public at the location where the quorum is present. Id. § 551.127(f). The city council must make at least an audio recording of the meeting and the recording must be made available to the public. Id. § 551.127(g). The location where the quorum is present, and each remote location from which a member of the governmental body participates, must have two-way audio and video communication with each other location during the entire meeting. Each participant's face in the videoconference call, while speaking, must be clearly visible and audible to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the location where a quorum is present, and at any other location of the meeting that is open to the public. Id. § 551.127(h). 7. The audio and video signals perceptible by members of the public at each location of the meeting must meet or exceed minimum standards established by Texas Department of Information Resources (DIR) rules. Id. § 551.127(i). 8. The audio and video signals perceptible by members of the public at the location where the quorum is present, and any remote location must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting. Id. §551.127(j).

2. CALL SESSION TO ORDER

3. ROLL CALL

3.1. Don Carlson, Chairman
Shawn Lucas, Vice Chairman/Treasurer
Erin Clancy, Secretary
Mike Snyder, Board Member
Randal Clark, Board Member
Marcus Coleman, Board Member
Matthew Minton, Board Member

4. PLEDGE OF ALLEGIANCE

5. 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.)

6. ECONOMIC DIRECTOR'S REPORT

7. CONSENT AGENDA

7.1. Consider and approve Corporate Minutes from its Special Called Meeting on 5/1/23.

7.2. Consider and approve the financial reports for the period ending March 31, 2023

8. PRESENTATIONS

8.1. Discuss and consider a presentation regarding a farm lease plan for all or part of the approximate 250 acres known as the Cottonwood Properties, currently owned by the HEDC. (Allen Click)

9. AGENDA ITEMS

9.1. Discuss and consider action approving Resolution R-2023-105 to open a bank account for the Corporation's Operating Account at Wells Fargo Bank in Hutto and transfer all existing funds into the account from the Corporation's existing Operating Account at Cadence Bank and assign Chairman Don Carlson, Vice Chair/Treasurer Shawn Lucas, and another Board Member to be named, as signers on the account and assign City Staff Members Cheney Gamboa and Chistina Bishop as authorized users on the new account.

9.2. Discuss and consider action to revise the current regular meeting schedule of the Board to meet twice a month on the second and fourth Mondays of the month and set a regular meeting time.

9.3. Discuss and consider action to create a task force assigned to support the development efforts of the Cottonwood Properties, assign the members of the task force and agree to the expected function and term of the task force

9.4. Discuss and consider action approving Resolution R-2023-106 to amend the current HEDC Budget to reallocate funds to the Business Incentive line item to provide necessary funding to make the annual TSTC payment per the terms of the current incentive agreement.

10. EXECUTIVE SESSION

The Board will now recess the open meeting and reconvene in executive session pursuant to Texas Government Code Section 551.071 (Attorney Consultation), 551.087 (Economic Development), and 551.072 (Real Property) to deliberate and seek legal advice regarding: City TIRZ projects/impact and potential Board’s role, retail and restaurant incentives, pending legal action against BCL of Texas, Project Primero, Project Strat3, Project NQ2, Project Graceland, Project Titan, Project Skybox, Project Poly, Project Chicago, Project E, the Megasite project; the Cottonwood Properties, and any new prospects for potential incentive evaluation and consideration.

11. ACTION RELATIVE TO EXECUTIVE SESSION

11.1. Discuss and consider action approving Resolution R-2023-107 approving the Purchase and Sale Agreement for Project E, to purchase approximately 42 acres of the approximate 250 Cottonwood Properties site.

11.2. Discuss and consider action on approving a Resolution authorizing the Corporation to enter into a revised Economic Development Performance Agreement with the developer for Project ESLO, enter into a Sales Tax Funding Agreement with the City of Hutto, Texas and authorizing the Chair to execute the agreements in a form approved by Corporate Counsel.

11.3. Discuss and consider action to approve the forgiveness of incentive payments made to date for JRS to provide a discounted sale price on their building to the City of Hutto.

11.4. Discuss and consider approving a lease agreement for farming of all or part of the 250 acres currently owned by the HEDC known as the Cottonwood Properties.

11.5. Discuss and consider action to approve a cost-sharing agreement with the City of Hutto, Department of Public Works, to pay the fees associated with the development and implementation of a revised Industrial Pretreatement Program (IPP) to support current and future Industrial projects, not to exceed $50,000.00.

11.6. Discuss and consider action to approve the Purchase and Sale Agreement for Project Graceland to purchase approximately 20 acres located at the Megasite property.

11.7. Discuss and consider action directing staff on the storage and retention of the items retrieved from the Corporation's safe deposit box upon the closure of the Hutto location of Cadence Bank

12. ADJOURNMENT

13. CERTIFICATION

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 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.