



City of Hutto

Agenda

Hutto Economic Development Corp. Type A and Type B Board of Directors Meeting Monday, June 26, 2023 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 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. CALL SESSION TO ORDER

2. ROLL CALL

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

6. ECONOMIC DIRECTOR'S REPORT

7. PRESENTATIONS

8. AGENDA ITEMS

- 8.1. Discuss and consider action regarding the current and proposed services agreements between the Corporation and the City of Hutto.
- 8.2. Discuss and consider action approving the FY24 budget of the Corporation and recommending the approved budget to City Council for consideration and approval.
- 8.3. Discuss and consider action to approve Resolution R-2023-135 approving the First Amendment to the funding and refunding agreement in the amount of \$12,000,000 by and between the City of Hutto and the Corporation to construct the Megasite East-West Spine

Road Project to promote new or expanded business development within the City, authorizing the Chairperson to execute the agreement; and providing an effective date.

- 8.4. Discuss and consider action to direct Staff and Board Secretary regarding the filing and retention of items obtained from the Corporation's safe deposit box at Cadence Bank

9. 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: retail and restaurant incentives, pending legal action against BCL of Texas, A first lien on , Project Graceland, Project Titan, Project Skybox, Project DC2, Project Sequel, Project HWB, the Megasite project; the Cottonwood Properties including a pending first lien on a part of the properties, the evaluation of available corporate funds for incentives and deliberate with legal counsel regarding: corporate bylaws and an agreement with the City related to the use of city employees to support corporate business,

10. ACTION RELATIVE TO EXECUTIVE SESSION

- 10.1. Discuss and consider action directing staff regarding an Economic Development Performance Agreement for the hotel development as discussed in executive session
- 10.2. Discuss and consider action to on a Resolution approving the First Amendment to the Assignment agreements with Titan regarding its Megasite properties.
- 10.3. Discuss and consider action to direct staff and Legal Counsel to draft an Economic Development Performance Agreement (EDPA) for Project HWB per the terms discussed in Executive Session.
- 10.4. Discuss and consider action to approve a Resolution to enter into a Purchase and Sale Agreement (PSA) for Project Graceland as discussed in Executive Session and authorize the Chair to execute the agreement and all associated documents to enter the agreement
- 10.5. Discuss and consider action to approve a Resolution to enter into a Purchase and Sale Agreement (PSA) for Project DC2 as discussed in executive session and authorize the Chair to execute the agreement and all associated documents.to enter into the agreement
- 10.6. Discuss and consider action to direct Staff and Legal Counsel to draft a Purchase and Sale Agreement for Project Sequel per the terms discussed in Executive Session.
- 10.7. Discuss and consider action to direct Staff and Legal Counsel regarding a notice of default issued to Cottonwood Development Corporation threatening florclosure on corporate owned property.
- 10.8. Discuss and consider direction on legal claim against BCL of Texas for Breach of Contract and other legal claims.
- 10.9. Discuss and consider action on any subject matter noticed to be discussed in executive session.

11. ADJOURNMENT

12. 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.