City of Hutto

Minutes

› Economic Development Corp. Type A and Type B

Board of Directors Meeting

Monday, May 8, 2023 at 6:30 PM

City Council Chambers

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

Meeting called to order at 6:30pm

3. ROLL CALL

Absent: Vice Chair/Treasurer Shawn Lucas, Board Member Marcus Coleman. All others present.

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.)

None

6. ECONOMIC DIRECTOR'S REPORT

Postponed

7. CONSENT AGENDA

7.1. Consider and approve Corporate Minutes from its Special Called Meeting on 5/1/23.
Motion by Secretary Clancy to approve as presented, second by Board Member Minton. Passed 5-0

7.2. Consider and approve the financial reports for the period ending March 31, 2023
City CFO presented the Monthly Financial Report for March 2023 and answered questions. No action

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)
Tabled until after Executive Session.
Taken up after Executive Session. See item 11.4 for action.

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.
Motion by Board Member to approve and add Secretary Clancy as a signer to the Corporation's bank account, second by Board Member Carlson. Passed 5-0

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.

Motion to approve as presented with a meeting time of 6:30pm by Secretary Clancy, second by Board Member Clark. Passed 5-0

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

Chairman Carlson used his authority as Chairman of the Board to establish a task force comprised of himself and Board Member Coleman for the purposes of supporting development efforts for the Cottonwood Properties. No Board action required.

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.

Motion by Board Member Clark to approve as presented, second by Board Member Minton. Passed 5-0

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.

The Board recessed to Executive Session at 7:00pm
The Board convened in Executive Session at 7:07pm
The Board exited Executive Session at 9:41pm
The Board reconvened Public Session at 9:45pm
No action was taken in Executive Session

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.

No action

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.

Motion by Board Member Clark to approve the EDPA for Project ESLO under the conditions of option 4 as discussed in Executive Session, second by Secretary Clancy. Passed 3-2. (Snyder, Carlson opposed)

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.

No action

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.
Motion to approve the farm lease as presented at a rate of $25/acre by Board Member Snyder, second by Board Member Clark. Passed 5-0

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.
No action

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.
No action

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
Legal Counsel advised that the Board Secretary is charged with addressing the contents of the Safe Deposit Box. No action.

12. ADJOURNMENT

Meeting adjourned at 10:13pm

13. CERTIFICATION

Don Carlson, Board Chairman

Erin Clancy, Board Secretary