



City of Hutto

Agenda

Cottonwood Development Corporation Meeting Monday, March 1, 2021 at 11:00 AM 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 www.huttotx.gov

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1. CALL SESSION TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

- 3.1. 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 Cottonwood Development Corporation on agenda issues and on non-agenda issues (i.e., City 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) 759-4839 during business hours. Each person providing public comment will be limited to 3 minutes.

Comments for this meeting may also be sent to comments@huttotx.gov PRIOR to 9:00 AM on March 1, 2021. The email must include name, address, phone # and email to be recognized properly. Citizens wishing to comment by phone may call:

Toll Free Call In: 1-800-717-4201

Conference ID: 242-3288

Once you are in the conference call press *5 to signal that you are requesting to speak during public comment.

[Note: The Texas Open Meetings Act, Texas Government Code, Chapter 551, prohibits advisory boards, commissions and committees created by local governmental bodies from fully discussing, debating, or considering subjects for which public notice has not been given on the agenda. Issues that cannot be referred to the City Staff for action may be placed on the agenda of a future meeting.]

4. AGENDA ITEMS

- 4.1. Accept resignation of Director Patti Martinez and acknowledge appointment of Director Mike Arismendez.

- 4.2. Consideration and possible action on a Resolution appointing a secretary to the Cottonwood Development Corporation. 4
[Resolution R-2021-025 - Cottonwood Development Corporation](#)
- 4.3. Consideration and possible action on approval of November 19, 2020 Cottonwood Development Corporation meeting minutes. 5 - 6
[11-19-2020 Cottonwood Minutes](#)
- 4.4. Discuss and consider action to engage Russell Rodriguez Hyde Bullock, LLP to represent the corporation as a Defendant in Longhorn Title Co. v. Preston Hollow Capital LLC et. al, pending in the 368th District Court of Williamson County, Texas.
- 4.5. Discuss and consider action to appoint the Cottonwood Development Corporation's corporate representative(s) for the purpose of testifying on behalf of the corporation in the Preston Hollow, LLC litigation matter.

5. EXECUTIVE SESSION

The Board of Directors for the City of Hutto Cottonwood Development Corporation reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above as authorized by the Texas Government Code Sections 551.071 [Litigation/Consultation with Attorney], 551.072 [Deliberations regarding real property], 551.073 [Deliberations regarding gifts and donations], 551.074 [Deliberations regarding personnel matters] or 551.076 [Deliberations regarding deployment/implementation of security personnel or devices] and 551.087 [Deliberations regarding Economic Development negotiations].

- 5.1. The Board of Directors shall recess its open meeting and reconvene in Executive Session as permitted by Texas Government Code 551, Section 551.071 to deliberate, seek legal advice and direct Litigation Counsel regarding Preston Hollow Capital, LLC v. Cottonwood Development Corp. et. al, pending in the U.S. District Court, Western District, Austin Division and Longhorn Title Co. v Preston Hollow Capital LLC et. al, pending in the 368th District Court of Williamson County, Texas.
- 5.2. Receive legal advice from General Counsel in accordance with Tex. Gov't Code § 551.071 (1) about pending litigation, to wit: Case 1:20-cv-00978 Preston Hollow Capital, LLC v. Cottonwood Development Corporation, et al; pending in the United States District Court for the Western District of Texas, Austin Division.

6. ACTION RELATIVE TO EXECUTIVE SESSION

- 6.1. Possible action pursuant to Texas Government Code 551, Section 551.071 to deliberate, seek legal advice and direct Litigation Counsel regarding Preston Hollow Capital, LLC v. Cottonwood Development Corp. et. al, pending in the U.S. District Court, Western District, Austin Division and Longhorn Title Co. v Preston Hollow Capital LLC et. al, pending in the 368th District Court of Williamson County, Texas.
- 6.2. Possible action pursuant to Tex. Gov't Code § 551.071 (1) about pending litigation, to wit: Case 1:20-cv-00978 Preston Hollow Capital, LLC v. Cottonwood Development Corporation, et al; pending in the United States

District Court for the Western District of Texas, Austin Division.

7. ADJOURNMENT

8. CERTIFICATION

I certify that this notice of the **March 1, 2021** Cottonwood Development Corporation meeting was posted on the City of Hutto website and the City Hall bulletin board of the City of Hutto on **February 23, 2021** at **11:00 A.M.**



Jessica Brown

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@huttox.gov or call (512) 759-4033 for assistance.

RESOLUTION NO. R-2021-025

RESOLUTION OF THE COTTONWOOD DEVELOPMENT CORPORATION APPOINTING A SECRETARY.

WHEREAS, the Cottonwood Development Corporation was created pursuant to Subchapter D of Chapter 431 of the Texas Transportation Code, which authorizes the creation and organization of a local government corporation to assist and act on behalf of the City to accomplish any governmental purpose of the City and to engage in activities in the furtherance of the purposes of its creation; and

WHEREAS, Section 3.1 of the Corporation's bylaws provides that a vacancy in any office shall be filled by appointment by a majority vote of the Directors then in office; and

WHEREAS, the Board of Directors of the Corporation desires to appoint a Secretary.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE COTTONWOOD DEVELOPMENT CORPORATION, THAT:

_____ is elected Secretary of the Corporation.

Dated this **1st** day of **March, 2021**.

**COTTONWOOD DEVELOPMENT
CORPORATION**

Tanner Rose, Chair

ATTEST:

Jessica Brown, Asst. City Secretary



City of Hutto

MINUTES

Cottonwood Development Corporation Meeting
Thursday, November 19, 2020 at 11:00 PM
City Council Chambers

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1. CALL SESSION TO ORDER: *11:00 AM*
2. ROLL CALL

Members present: Tanner Rose, Chair, Dan Thornton, Vice Chair and Patti Martinez, Secretary (via videoconference).

Members of the staff present: Cristian Rosas-Grillet, City Attorney; and Jessica Brown, Assistant City Secretary.

3. PUBLIC COMMENT

- None.

4. AGENDA ITEMS

- 4.1. Consideration and possible action on approval of November 12, 2020 Cottonwood Development Corporation meeting minutes.

Board member Thornton made a motion to approve item 4.1. Board member Martinez seconded the motion. The motion passed unanimously.

- 4.2. Consideration and possible action on a Resolution by the Board of Directors of the Cottonwood Development Corporation acknowledging it contractually borrowed funds, in an apparently defective transaction, from Preston Hollow Capital, LLC; authorizing its legal counsel to bring suit on the corporation's behalf for any claims that to the best of the attorney's knowledge, information, and belief, formed after reasonable inquiry, are not groundless and brought in bad faith or groundless and brought for the purpose of harassment against any persons or corporations who may be liable to the corporation for any act or omission against the corporation, arising out of agreements and conduct related to the Project Expansion economic development project.

Board member Thornton made a motion to approve item 4.2. Board member Martinez seconded the motion. The motion passed unanimously.

5. ADJOURNMENT – *11:09 AM*

Tanner Rose, Chair

Jessica Brown, Asst. City Secretary