

MINUTES
BENBROOK ECONOMIC DEVELOPMENT CORPORATION
Board of Directors
Regular Meeting
Benbrook City Hall
Monday, July 17, 2006

I. CALL TO ORDER

The Regular meeting of the Board of Directors of the Benbrook Economic Development Corporation was called to order at 7:04 p.m., Monday, July 17, 2006, in the Council Chamber, City Hall at 911 Winscott Road. The presiding officer was President Charlie Anderson. A quorum was present, including the following:

Charlie Anderson, President
Dan Tully, Vice President
Steven White, Treasurer
James Schull
John Vander Pan

Absent: Rickie Allison
Jim Amick, Secretary

Staff Present: Ron Rainey, Executive Director
Patty C. Bissey, Director of Marketing & Research

Also Present: Ron Sauma, City Council Member
Don Lanza, Ridglea Country Club Estates
Janet Lanza, Ridglea Country Club Estates
Joanna Cloud, Ridglea Country Club Estates
Sue Abrahamson, Ridglea Country Club Estates

II. CONSENT AGENDA (Items listed under the Consent Agenda are considered routine and are enacted in one motion. The exception to this rule is that a Board Member, Citizen, or Executive Director may request one or more items to be removed from the Consent Agenda for separate discussion and action.)

- a. Minutes of BEDC Regular Meeting of June 19, 2006**
- b. Minutes of BEDC Special Meeting of June 28, 2006**
- c. Financial Report For Period Ending June 30, 2006**

Mr. Dan Tully made a motion to accept the consent agenda with the changes discussed to the financial statements. Mr. James Schull seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried.

III. DIRECTORS REPORT

- a. Traffic Impact Analysis Report – Goliad Street** - Director Rainey reported that preliminary results of the Del Rio Street Closure Impact Study have been received from Don Szczesny, PE, TCB/AECOM. A formal letter requesting closure of Goliad Street has been prepared by BEDC Staff and submitted to Dave Gattis, City of Benbrook Assistant City Manager – Community Development. A meeting was held Wednesday morning, July 12, in the office of Chuck Humphries, Texas Department of Transportation, with N3 Development’s consulting engineer Carl Krogness, Brown & Gay Engineering, Inc., reporting a successful meeting. He utilized a copy of the Benbrook TIA to support his request for a drive approach at the east end of the Gene Buckner property immediately west of Turf Grass of America. Mr. Rainey added that a letter of support is being requested from Mr. Gattis for the drive approach, and a second letter in support of the abandonment of Goliad Street and the surplus right of way. No formal action will be required for the drive; however, action will be required by Benbrook City Council approving closure of Goliad Street and the sale of surplus right of way. Texas Department of Transportation’s office overseeing State of Texas surplus right of way Wednesday reminded Mr. Krogness acquisition of surplus ROW typically requires 12 to 18 months.
- b. Traffic Impact Analysis Proposal – Benbrook Blvd** – Director Rainey stated that Don Szczesny, PE, TCB/AECOM, submitted a proposal to provide professional engineering services as an independent contract to the Benbrook Economic Development Corporation for a Traffic Impact Analysis of the proposed mixed-use development located on the northwest corner at the intersection of Benbrook Blvd. (US377) and Mercedes Street. The TIA is required to support Home Depot’s request for a signalized intersection at Mercedes and Benbrook Blvd. Following the completion of the TIA, a formal request will be submitted to the City of Benbrook and the Texas Department of Transportation.
- c. Fort Worth Horseshoe Club/Larry Mills Court Action** - Mr. Rainey informed the Benbrook Economic Development Corp. Board of Directors that an attorney stating he represents the Fort Worth Horseshoe Club contacted BEDC Staff more than a week ago to report the Fort Worth Horseshoe Club and Larry Mills have unresolved issues relating to past taxes on property now owned by the Benbrook Economic Development Corporation. The attorney stated the two parties were going to Mediation in an attempt to reach resolution. Director Rainey stated that Mr. Mills reported he has filed suit in small claims court against the Fort Worth Horseshoe Club and he believes he is owed money for taxes on an 18-plus acre tract he purchased from FWHC and then had to pay delinquent taxes and penalties. The case has been scheduled for August 9, 2006, at 11 a.m. BEDC Staff does not believe the outcome of the small claims hearing will have any affect on the scheduled BEDC land sale to Steve Hawkins.

- d. Benbrook Blvd. Master Plan Committee Update** - Mr. Rainey provided the following update: The Benbrook Boulevard Master Plan Committee met Wednesday with HNTB's design team of Rick Leisner, AICP, Director of Planning; Robert Prejean, AICP, Senior Planner, and Jeremy Blad, Designer, to review the most current "conceptual plans" for the improvement of traffic flow, aesthetic enhancements and economic development opportunities. The group includes many of the business owners/managers along Benbrook Blvd. (US377) along with City of Benbrook, BEDC, BWA, NTCOG, TxDOT representatives. He added that Assistant City Manager Dave Gattis reported Wednesday construction of the project most likely will not begin before 2011 due to required federal funds not being available until 2010.
- e. Benbrook Towne Crossing Contracts Update** – Director Rainey reported that Wal-Mart's Purchase Agreement was received by the Benbrook Economic Development Corporation Monday and driven to Arlington where Brad Bowen, President, BBT Crossing GP Corporation, signed the contract on behalf of BBT Crossing Ltd. Charlie Anderson, President of the Benbrook Economic Development Corporation Board of Directors, signed the document Tuesday afternoon. BEDC Staff Tuesday afternoon hand delivered the five executed original contracts to Tom Hudson Company, the real estate firm representing Wal-Mart Stores Texas, LP. The contract is for the purchase of 22.011 acres and the ultimate construction of a Wal-Mart Super Center west of Benbrook Blvd. and south of Mercedes Street. The buyer has a 120 day "feasibility period". The Buyer, at its option, may extend the feasibility period for two additional sixty (60) day periods. A contract from Home Depot for the purchase of approximately 11 acres north of Mercedes is expected soon, but had not been received at the time of the meeting. Mr. Rainey stated that all known matters of concern by Home Depot have been addressed and it is believed a final Purchase Agreement is imminent.

IV. UNFINISHED BUSINESS

- a. Consider Ryan Barn Demolition and Cleanup** – Mr. Rainey stated that the BEDC Board of Directors in June determined demolition of the barn behind Heavenly Sleep Shoppe presented no danger to passersby and is not visible from Benbrook Blvd. and therefore there was no immediate requirement to demolish the structure and clean up the area. The BEDC acquired the property on March 31, 2006, and had granted Gary Ryan 60 days in which to remove his horses and personal belongings. The 60-day period expired on May 31, 2006. Wal-Mart has issued a statement, through attorney Brenda O'Neal, that closing of the land sale by the BEDC to Wal-Mart will not occur until the sheds have been removed and the area cleaned. In an effort to not delay the closing, Staff has revisited the situation with Bob Crawford, a commercial electrician who has a tractor, mower and other implements he utilizes for additional income. He will demolish the barn and clean the area for \$3,500. The BEDC will be responsible for the renting of commercial dumpsters for collection of the trash that has accumulated inside and outside the barn. Some discussion followed.

Mr. James Schull made a motion to approve the bid from Mr. Crawford to demolish the Ryan Barn and authorize Staff to rent two commercial dumpsters for the cleanup of the site. Mr. Dan Tully seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried.

- b. Consider Heavenly Sleep Shoppe Issues – Insurance Coverage and Roof Repair** – The Director BEDC Board of Directors in June directed Staff to prepare a new lease for Heavenly Sleep Shoppe with changes to include reduction of required insurance on the structure from \$250,000 to \$125,000 if the tenants would agree to accept responsibility for repairs to the roof, exterior of the building and foundation. The new lease was prepared and sent to James Potts. Anita Potts, wife of James, called and said they could not afford to take on the responsibility of the roof, which is already leaking. She checked with her insurance agent and reports the total premium is \$1,500 per year with \$700 of that being for the building. She said the deductible is \$25,000. Staff has contacted Robert Sloan, an Arlington roofer, who said he would inspect the roof Wednesday and submit a bid for a hot-mop patch job. Staff told Mr. Sloan the BEDC does not want to spend any significant amount for repairs since the building will be demolished in approximately two years.

Mr. John Vander Pan made a motion to contract Mr. Robert Sloan to repair the Heavenly Sleep Shoppe's rooftop not to exceed \$2000 for current and future repairs. Mr. Dan Tully seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried.

V. NEW BUSINESS

- a. Consider Action Regarding City Council Proposal For Ridglea Country Club Estates Home Owners Association To Purchase 7.185 Acres** - Mr. Rainey, BEDC Director, reported that Benbrook Economic Development Corporation, who has contracted to sell Steve Hawkins 25.378 acres of land north of I-20, east of Winscott Road and immediately west of Block 9 of Ridglea Country Club Estates, will be appearing before Benbrook City Council Thursday, July 20, 2006, seeking rezoning of the property from Single Family to Commercial. Director Rainey stated that City Council conducted a Public Hearing at its June 15, 2006, meeting but delayed action for one month offering RCCE HOA the opportunity to raise funds necessary to purchase the 7.185 acres that adjoins 10 lots on Winding Way. The purchase agreement that requires rezoning of the property is between BEDC and Steve Hawkins. Homeowners on Winding Way are objecting to the rezoning request and have asked that the land be left as a greenbelt to serve as a buffer between their homes and any development to the west. A petition carried by one of the Winding Way property owners, and presented to City Secretary Joanna King, has enough signatures to constitute 23 percent of the land owners located within 200 feet of the 7.185 acres that is one of the two tracts that is being considered for rezoning. A petition representing 20 percent of the land owners causes City Council to have a super majority vote for approval or denial; therefore, six Council members

will be required to vote in favor of the rezoning for it to pass. BEDC Staff has calculated the price being paid by Mr. Hawkins for the 25.378 acres to be \$1.47 per square foot. The sales price for the 7.185 acres is \$212,910.61. Mr. Hawkins has agreed in the Purchase Agreement to close within 30 days of the BEDC successfully rezoning the property to G-Commerce, but has agreed to a reduction in zoning to E-PD for the 7.185 acres with various restrictions that he, the Homeowners Association and the BEDC have approved. He reports he will still purchase the property under those conditions. Some discussion followed.

VI. OTHER MATTERS OF BUSINESS

VII. INFORMAL CITIZEN COMMENTS

Mrs. Janet Lanza of 4308 Winding Way, Ridglea Country Club Estates, Benbrook, Texas addressed the BEDC Board regarding the 7.185 acres and concerns regarding the contract between Benbrook Economic Development Corp. and Steve Hawkins.

Ms. Joanna Cloud, 720 Mira Mar Circle, Ridglea Country Club Estates, Fort Worth, Texas made inquires regarding the cost of a masonry wall vs. cedar fence and the PD for the 7.185 acres.

Don Lanza of 4308 Winding Way, Ridglea Country Club Estates, Benbrook, Texas. Mr. Lanza also stated his concerns regarding the masonry wall/cedar fence for the 7.185 acres.

VIII. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 7:40 p.m.

Secretary

Presiding Officer