

MINUTES
BENBROOK ECONOMIC DEVELOPMENT CORPORATION
Board of Directors
Regular Meeting
Benbrook City Hall
August 20, 2007

I. CALL TO ORDER

The regular meeting of the Benbrook Economic Development Corporation Board of Directors was called to order at 7:05 p.m., Monday, August 20, 2007, in the Council Chambers in 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
Jim Amick, Secretary
Steve White, Treasurer
John Vander Pan
Carrol Crombie
James Schull

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

Also Present: Dwight Heard, BEDC Attorney
Dave Gattis, Deputy City Manager

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 July 16, 2007**
- b. Minutes of BEDC Special Meeting of July 23, 2007**
- c. Financial Report for Period Ending July 31, 2007**

Mr. James Amick made a motion to accept the Consent Agenda. Mr. Carrol Crombie seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried.

III. DIRECTORS REPORT

- a. Benbrook Field PD Zoning Report** – Director Rainey reported on the decision made by the Benbrook City Council at its Thursday, August 16, meeting in reference to the recommendations from the Planning & Zoning Commission for the Land Use

Amendment and Benbrook Field PD Zoning Request. Mr. Rainey informed Benbrook Economic Development Corporation Board of Directors that City Council accepted all of Home Depot's requests with Dr. Alex Herrera, GreenbergFarrow engineer representing The Home Depot. Three major issues resolved and agreed on included Home Depot's request for a 60 foot interstate multi-tenant pylon sign which Home Depot will occupy the top panel, Home Depot will put heavy vegetation around the pallet area in lieu of a retainer wall and Home Depot agreed to submit paint schemes to City of Benbrook staff to simulate architectural articulation for the rear of the building. On the area to the west side of the extension of Vista Way, Richpenn Resources International, Inc.'s request for the option to change the area to Multi-Family or Highway Corridor, City Council voted to keep the zoning Commercial. The PD Zoning application was submitted in behalf of the Benbrook Economic Development Corporation and Bo-Peek.

- b. Demolition of 8700 Benbrook Blvd.** – Mr. Rainey reported that The Andrew Joseph Company was completing demolition and clean up of the approximately 6,000 square foot building at 8700 Benbrook Blvd. during the week of August 13th. The site is expected to be cleaned and rough graded upon completion of the demolition project. Mr. Rainey added that asbestos was abated by TAJC from July 31st through August 4th with the Asbestos Abatement Monitoring services being performed by Resource Environmental Consulting, Inc., of Dallas, Texas. The building had most recently housed the Heavenly Sleep Shoppe and had been home to Ryan's Western Wear for a number of years.
- c. Excavation of Proposed Wal-Mart Site** – Director Ron Rainey stated that USA Environmental was expected to complete excavation work at the proposed Wal-Mart site east to west between Benbrook Blvd. and Vista Way, and south from Mercedes to the Benbrook RaceTrac during the week of August 13th. The excavation project required USA to uncover approximately 138 anomalies at the site with the material recovered being primarily concrete curbs and rebar. The fill was contained principally near the eastern side of the site. USA project leader Jeff Thelon, reported no ordinance was found. Mr. Rainey added that the team was working in the area of dirt stockpiled from the earlier removal of approximately 18 inches of soil. USA Environmental reported the final environmental investigations will be performed by another contractor who will be drilling a number of test wells to check surface water to determine if any gasoline or other contaminants have leached into the soils.

IV. UNFINISHED BUSINESS

- a. Consider Richpenn Resources International, Inc., Proposal To Purchase Benbrook Field Pad Sites** - Mr. Rainey reported that Richpenn Resources International, Inc., spokesmen Brad Bowen and Tom Eudaly have indicated the firm's desire to purchase specific pad sites at prices stated in First Bank's Deed of Trust. Richpenn was expected to be present to discuss acquisition of the proposed Wachovia Bank site between CVS and Jack in the Box on Benbrook Blvd. as well as other sites where Letters of Intent have been negotiated by Richpenn. Benbrook Economic Development Corporation Attorney Dwight Heard presented Richpenn's proposal to

acquire the proposed Wachovia Bank site between CVS and Jack in the Box on Benbrook Blvd. owned by the Benbrook Economic Development Corporation to the BEDC Board of Directors. Much discussion followed but no action was taken.

- b. Consider Home Depot Purchase Contract Amendments** - Director Rainey reported that Staff has received contract amendments and extension requests from The Home Depot's attorney, Forrest Smith of Kane Russell Coleman & Logan PC, for Benbrook EDC Board of Directors consideration. Mr. Rainey added that Richpenn Resources International, Inc. staff had not received the item which requests the possible reduction in the price of the land being negotiated with Home Depot. BEDC Board of Directors received a copy of the amendment proposal. Some discussion followed.

Mr. Carrol Crombie made a motion to accept the Home Depot Contract Amendments and extension request of 30 days and directed Director Ron Rainey to inform Home Depot officials that Benbrook Economic Development Corporation Board will meet on September 17 and will need final documents available for that meeting to review. Mr. Crombie also included in this motion to authorize Benbrook Economic Development Corporation Board President to sign the 30 day extension. Mr. James Amick seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried.

- c. Consider Wachovia Bank Ground Lease** – Director Rainey reported that there was no ground lease to consider.

V. NEW BUSINESS

- a. PUBLIC HEARING – BEDC Fiscal Year 2007-08 Budget and Projects** - BEDC President Charlie Anderson called the Public Hearing opened the Public Hearing at 8:40 p.m. Mr. Dave Gattis made a couple of comments concerning the BEDC budget and reference to proposed purchase of land by the Benbrook Economic Development Corporation. President Charlie Anderson closed Public Hearing at 9:02 p.m.

VI. EXECUTIVE SESSION – Pursuant to Texas Government Code Section 551.074, Personnel matters

- 1. Discuss BEDC Executive Director and Staff.** BEDC President Charlie Anderson called the Executive Session to order at 9:04 p.m. President Charlie Anderson closed the Executive Session at 10:09 p.m.

VII. RECONVENE IN OPEN SESSION – BEDC President Charlie Anderson reconvened the Board at 10:09 p.m. No action was taken from the Executive Session.

VIII. CONSIDER ADOPTION OF BEDC FY2007-08 BUDGET – Director Rainey reviewed the proposed budget in detail. Some discussion followed.

Mr. Dan Tully made a motion to approve the budget as presented by Mr. Rainey. Mr. James Amick seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried.

IX. OTHER MATTERS OF BUSINESS

X. INFORMAL CITIZEN COMMENTS

XI. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 10:10 p.m.

Secretary

Presiding Officer