

MINUTES
BENBROOK ECONOMIC DEVELOPMENT CORPORATION
Board of Directors
Regular Meeting
Benbrook City Hall
October 20, 2008

I. CALL TO ORDER

The regular meeting of the Benbrook Economic Development Corporation Board of Directors was called to order at 7:00 p.m., Monday, October 20, 2008, 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
Carrol Crombie, Secretary
Rick Whitehurst, Treasurer
Dan Tully
Will Higgins

Absent: Steve White

Staff Present: Ron Rainey, Executive Director
Patricia L. Taber, Administrative Assistant

Also Present: Dwight Heard, BEDC Attorney
Tammi Cauthen, President, First Bank
Keith Bailey, City Councilman
Sandy Davis, Citizen
Ron Sauma, City Councilman
Janet Powers, Citizen
Sandy Whitehurst, Citizen
Vernon Gatlin, Citizen

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 September 15, 2008**
- b. Minutes of BEDC Special Meeting of October 6, 2008**
- c. Financial Report for Period Ending September 30, 2008**

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

III. OATH OF OFFICE

- a. Conduct Oath of Office for Board Position Number 2 – Director Rainey conducted the Oath of Office to Ron Sauma, Place 2.**

IV. DIRECTOR'S REPORT

- a. **Update City Council Board/Commission Appointments** - Executive Director Ron Rainey reported the appointment for Places 2, 4, 5 and 6 were filled as follows: Place 2 - Ron Sauma, Place 4 - Sandy Davis, Place 5 – Janet Powers, for a one year term to replace Rick Whitehurst at midterm, and Place 6 – reappointment of Carrol Crombie. No action required.
- b. **Update Jemsite Development Contract** - Mr. Ron Rainey informed the Board a Contract has been executed by Board President Mr. Anderson and the Jemsite representative. Mr. Rainey also received notice that the Contract was executed by Brad Bowen and has been sent to Jemsite in North Carolina, with a few changes unseen by the BEDC at present. The Jemsite representative indicated the time frame did not allow preparation for submittal to the November 4, 2008, Real Estate Committee meeting with Lowe's, but will be presented at the December 2, 2008, meeting. Jemsite has also submitted proposals for additional sites of interest upon acceptance by Lowe's. No action required.
- c. **Update Restaurant Site** – Director Rainey reported the staff had a meeting with the developer, Mr. Jerry Skibell and son, Jeff Skibell, and real estate broker, Ms. Janet Powers. Mr. Skibell presented a proposal for approximately 12,000 sq. ft area, suggesting three separate services, two smaller establishments and one larger (6,000 ± sq ft.) sit down restaurant. No action required.
- d. **Update Wal-Mart Visit Results** – Mr. Rainey also reported the new Regional Real Estate Manager, Mr. Hunter Hart, for the Fort Worth/Dallas region visited Benbrook last week and the meeting was very positive. Mr. Hart commented he could not understand why Benbrook did not already have a store and indications appeared that he would be reviewing the information previously submitted with a more positive approach than his predecessors. No action required.
- e. **Update Sales Tax Training Seminar Attendee List, October 24, 2008, Fort Worth** – Rainey updated the BEDC Board that the following have expressed interest in attending the seminar: Ron Rainey, Ron Sauma, Steve White, Carrol Crombie, Janet Powers, Charlie Anderson, Rick Whitehurst. No action required.

V. UNFINISHED BUSINESS

- a. **Consider First Bank Loan Extension -**

Mr. Carrol Crombie made a motion to authorize President Charlie Anderson to execute the Commitment Letter in reference to the request for renewal on Loan #30523. Mr. William Higgins seconded the motion. President Charlie Anderson called the vote. The motion carried with a 5 - 1 vote.

- b. **Consider Changes to Executive Director's Contract Extension –**

Mr. Dan Tully made a motion to accept the Contract as presented to be submitted to City Council for ratification and approval. Mr. Ron Sauma seconded the motion. President Charlie Anderson called the vote. The motion carried with a 5 - 1 vote.

- c. **Consider Request to City Council – Incentive Package-** No action required.

VI. NEW BUSINESS

- a. **Consider BEDC/City Council Joint Planning Session -** Director Rainey suggested the BEDC Board and City Council consider scheduling a joint planning session to work together as a team to represent the citizens of Benbrook to establish a future growth plan to accomplish realistic goals to attain expansion of businesses in Benbrook.

Mr. Carrol Crombie made a motion the BEDC Board authorize Executive Director Ron Rainey to proceed with arranging a joint work session with the City Council in order to resolve existing issues and concentrate on new efforts for the benefit of the City of Benbrook with the assistance of a facilitator at a cost not to exceed Two Thousand and No/100 Dollars (\$2,000.00). Mr. William Higgins seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried.

- VII. INFORMAL CITIZEN COMMENTS:** President Charlie Anderson opened the meeting for informal citizens' comments at 7:50 pm. Mr. Rick Whitehurst addressed the Benbrook EDC Board and asked that his comments be incorporated into the Minutes of the meeting. (Please see attached) Mr. Anderson closed the portion of the meeting for informal citizens' comments.

- VIII. EXECUTIVE SESSION PURSUANT TO OPEN MEETINGS LAW, TEXAS GOVERNMENT CODE SECTION 551:** President Charlie Anderson convened the Board into Executive Session on October 20, 2008, at 8:00 pm.

- a. **551.072, DELIBERATION REGARDING REAL PROPERTY**

- i. Benbrook Towne Crossing Mineral Lease, Drill Site Lease, Gas Pool Enlargement and Richpenn (BBT) Purchase

- IX. RECONVENE IN OPEN SESSION:** President Charlie Anderson reconvened the Board into the Regular Meeting on October 20, at 8:53 pm.

- a. **551.072, DELIBERATION REGARDING REAL ESTATE**

- i. Benbrook Towne Crossing Mineral Lease, Drill Site Lease, Gas Pool Enlargement and Richpenn (BBT) Purchase. No action required

X. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 8:53 p.m.

Secretary

Presiding Officer

How or where to start. I have served on many board and commissions in Benbrook over the past years. I can remember when my Dad and Milton Young went to council meeting to make sure the money went into the bank, when one of the biggest chop shops was in Benbrook before anyone knew what a chop shop was. I witnessed as a young man, the power the developers had over city councils.

In all these years I have often disagreed with actions of council but never have I been around a council that I have absolutely no respect for, save Dan Tully and Jim Shull. But one independent thinker can not accomplish much when the citizens are not the center of attention. October 14 when council decided to not reappoint neither Charlie nor I it was evident from Councilman Sumas attitude in attacking Councilman Tully that it was a set up. If Dan wanted to stay on the EDC board he was to keep his mouth shut. Fortunately he did because the EDC needs him. He is a leader and a very intelligent board member and councilman. Benbrook needs Dan more than ever now.

At that same meeting councilmen Allison; Turned to the EDC President Charlie Anderson and I quote to the best of my ability ' this is not Lockheed or General Dynamics here you have to obey the rules". Other than trying to be offensive to Charlie there was no reason for such a insulting comment, except to be insulting. However with this councilman it could be said he might not have understood what he was saying. But I doubt it; the arrogance of these councilmen can never be discounted. I just want Dan and Charlie to know how much I appreciate their dedication to the citizens of Benbrook. They have truly proved that they put the citizens of Benbrook first and personal feeling or ambitions second and tried to do what was right as well as the other remaining members of the Board. Will, Steve, Dan and Carroll will have to work hard to maintain the independence of the Board with all the efforts of Council to dictate their desires, using intimidation and threats of replacement.

As one of the seven original Board members and a member of the committee that recommended the EDC to citizens, I helped write not only the city charter but the bylaws of the Economic Development Corporation, Our goal was a independent board to provide the growth the city needed, and it has, the useless land off Winscott is now a industrial park providing jobs, and taxes for Benbrook. It would have never been here with out EDC. Albertsons, we have all enjoyed, would have not taken place with out EDC, and the independence of the EDC.

This council has used it power over the EDC in interfere with EDC actions in one case that cost the Citizens of Benbrook over \$300,000 in cash that need not have been spent. A particular friend of members of the council profited from that action. Loud claims of innocence and replacing EDC board members still does make council right, just vindictive. All this turmoil has been created over a 2% raise for a staffer that has not had one in years, following city guide lines and replacing a vehicle that was worn out.... and trying to protect a staffer reaching his sixties so he could have some security from vindictive councils. I guess recent actions proved beyond a shadow of a doubt we really had something to worry about.

I have really enjoyed the past year and was looking forward to accomplishing the development of the escarpment and the production of natural gas from an EDC owned drill site and our own leases. I seriously hope that it continues to develop retail, but the actions of council and their interference in EDC actions, such as the above listed examples will probably mean that we might not see development we thought we would and the gas will get away to the developers also.

To the Board I am sorry that if my actions have in any way cause you harm or embarrassment, and to the citizens I am sorry that I was not allowed to finish my term on the EDC but as many of you know, I am pretty opinionated and fight for what I believe in. But to understand it all as we in the investment business say "follow the trail of the cash and you will always find the answers". I have lived in the same house since I was 5 years old and have no other home but Benbrook

and it citizens are always first in my mind and first in my efforts. The Hearst will come and get me and put me in the ground in Benbrook, so I am a long timer in Benbrook.

John Emerich Edward Dalberg Acton, first Baron Acton (1834–1902) said

Power corrupts, absolute power corrupts absolutely

And it never has been truer today and in Benbrook. Council appointed a new member that is representing developers for pay before the EDC to the EDC board, a policy that would not be tolerated in any other council. For a council that is always afraid of how something looks, I guess you just have to follow the trail of the cash, once again.

Rick