

MINUTES
BENBROOK ECONOMIC DEVELOPMENT CORPORATION
Board of Directors
Regular Meeting
Benbrook City Hall
May 12, 2008

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, May 12, 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
Steve White, Vice President
Carrol Crombie, Secretary
Rick Whitehurst, Treasurer
Dan Tully
Will Higgins

Absent: James Schull

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

Also Present: Dwight Heard, BEDC Attorney

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 April 21, 2008**
- b. Financial Report for Period Ending April 30, 2008**

Mr. Dan Tully 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. DIRECTOR'S REPORT

- a. Update TxDOT Commission Hearing Results** - Mr. Ron Rainey informed the BEDC Board that members of the Texas Department of Transportation Commission met in Austin on April 24, 2008. One item of consideration was a Minute Order declaring right of way at Goliad and San Antonio Street on the I-20 frontage road at Benbrook Boulevard as "surplus" right of way and an offer from the BEDC to purchase the ROW was a part of the Minute Order. No official results have been received, but staff has been told Minute Orders are handled in much the same way as Consent Orders. Mr. Rainey expressed he felt confident the Order was approved and is now going through processing from the

Transportation Commission to the Attorney General, then to the Governor for signature and generally takes six weeks.

- b. Update ICSC Annual Conference Attendance** - Executive Director Rainey informed the Board he would be leaving for Las Vegas to attend the annual conference on May 17 and returning May 20, 2008.
- c. Update Executive Director Vacation Schedule** – Mr. Rainey reported to the Board that he will be on vacation beginning May 21, 2008 through June 1, 2008.

IV. UNFINISHED BUSINESS

V. NEW BUSINESS

- a. Consider Wal-Mart Sixth Amendment Ratification** – BEDC President Charlie Anderson executed the Sixth Amendment to the Wal-Mart Purchase Agreement on Monday, April 21, 2008, in an effort to keep proceedings moving forward with this transaction. Mr. Rainey is requesting the BEDC Board ratify this action on behalf of the BEDC President.

Mr. Rick Whitehurst made a motion to ratify execution of the Sixth Amendment to the contract by the BEDC President. Mr. Carrol Crombie seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried.

- b. Consider Time Change/Meeting Structure for BEDC Board Meetings** – Mr. Rainey presented the suggestion by members of the Board to discuss changing the time for the monthly meetings and to eliminate the pre-meeting review of the Agenda. After lengthy discussion, no action was taken.
- c. Consider Benbrook Field Proposed Drilling Distance Variance Request** – BEDC Staff was asked by the Development Partners for the BEDC Board to consider a variance to the City ordinance for 600 feet distance between buildings and drilling rigs. No documentation had been received at the time of the meeting. After discussion regarding this request, the Board's recommendation was this matter should be taken back to City Council, not determined by this Board. Due to lack of motion, no action was taken.

VI. INFORMAL CITIZEN COMMENTS

VII. EXECUTIVE SESSION: President Charles Anderson convened the Board into Executive Session on May 12, 2008, at 7:22 pm.

SECTION 551.072 – Deliberation Regarding Real Property

- a. Consider Home Depot Contract/Developer Agreement** – Benbrook Field Development
- b. Consider Jemsite Development Proposal** – Benbrook Field Development

VIII. RECONVENE IN OPEN SESSION: President Charles Anderson reconvened the Board into the Regular Meeting on May 12, 2008, at 8:20 pm.

a. Consider Home Depot Contract/Developer Agreement – Benbrook Field Development –

Mr. Rick Whitehurst made a motion to authorize the BEDC President to execute the Home Depot Contract. Mr. Dan Tully seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried.

b. Consider Jemsite Development Proposal – Benbrook Field Development - No action necessary at this time.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 8:25 p.m.

Secretary

Presiding Officer