

MINUTES
BENBROOK ECONOMIC DEVELOPMENT CORPORATION
Board of Directors
Regular Meeting
Benbrook City Hall
July 21, 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, July 21, 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
James Schull
Will Higgins

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

Also Present: Dwight Heard, BEDC Attorney
Patty Bissey, Marketing Coordinator, City of Benbrook
Walter Shumac III, Public Services Director, City of Benbrook
Leslie Harris, Permit Clerk, City of Benbrook
Karen Henderson, Citizen and Parks Board Member
Aaron Henderson, Citizen
Autumn Pannell, 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 June 23, 2008**
- b. Minutes of BEDC Special Meeting of July 7, 2008**
- c. Financial Report for Period Ending June 30, 2008**

Mr. Rick Whitehurst 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

IV. UNFINISHED BUSINESS

V. NEW BUSINESS

- a. **Consider Heritage Fest Sponsorship Request**– Mr. Rainey presented the request from Ms. Patty Bissey, Marketing Director for the City of Benbrook, for consideration of sponsorship for the 2008 Heritage Fest event to be held on October 18, 2008. Ms. Bissey was in attendance to make the presentation and request to the BEDC Board on behalf of the City of Benbrook and to answer any questions or provide additional information.

Mr. Dan Tully made a motion to accept the proposal for Sponsorship in the Heritage Fest 2008 at the Ranch Foreman level of \$5,000.00. Mr. James Schull seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried.

- b. **Consider Parks Board Ice Skating Facility Request** – Executive Director Ron Rainey reported a request from the Parks Board to explore and evaluate an ice skating rink development within the city limits of Benbrook. Mr. Walter Shumac III, Public Services Director for the City of Benbrook presented the request to the BEDC Board, together with Ms. Karen Henderson, Parks Board Member, and were prepared to answer any questions or provide additional facts to the BEDC Board.

Mr. Rick Whitehurst made a motion to request that EDC Director Ron Rainey consult with the Parks Board to research the feasibility of development of an ice skating rink location as proposed. Mr. James Schull seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried

- c. **Consider Wal-Mart Amendment to Purchase Agreement**– Mr. Ron Rainey informed the BEDC Board that the Seventh Amendment to the Wal-Mart Contract will expire on July 30, 2008, and the Benbrook project is not scheduled to be reviewed by the Wal-Mart Real Estate Executive Committee until August 4, 2008. The BEDC Staff is anticipating receipt of an Eighth Amendment to the Contract prior to the expiration of the existing Contract and would recommend that the Board instruct President Charlie Anderson to execute this document upon receipt.

Mr. Rick Whitehurst made a motion to authorize President Charlie Anderson to execute the Eighth Amendment to the Contract upon receipt, subject to the approval of the BEDC Attorney, Mr. Dwight Heard. Mr. James Schull seconded the motion. President Charlie Anderson called the vote. The motion carried with a six to one vote with Mr. Crombie voting no.

- d. **Consider Home Depot Purchase Agreement**– no action taken.

- e. **Consider Jemsite Purchase Agreement** – no action taken.

- f. Consider Range Resources Gas Pool Enlargement/Mineral Lease** – Executive Director Ron Rainey presented information received from Range Resources with respect to changing the size of the potential production pool for the Barnett Shale gas for the Benbrook Towne Crossing Unit #1H.

Mr. Rick Whitehurst made a motion to table this item until the next Regular Meeting of the Benbrook EDC Board on August 18, 2008, pending receipt of additional information. Mr. James Schull seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried.

- g. Consider XTO Drilling Site/Mineral Lease Report** – Director Rainey, BEDC Attorney Mr. Dwight Heard and Board Member Mr. Rick Whitehurst have been in contact with Mr. Henry Green, XTO Energy Landman, regarding possible drill sites and mineral leasing in Benbrook Town Crossing.

Mr. Rick Whitehurst made a motion to table this item until the next Regular Meeting of the Benbrook EDC Board on August 18, 2008, pending receipt of additional information and further communication with XTO. Mr. James Schull seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried.

- h. Consider TMC Bank Site Purchase Contract** – Executive Director Ron Rainey informed the Board a Letter of Termination for the contracted site has been submitted by Mr. Jim Makens. Mr. Makens also submitted a new contract for consideration by the BEDC Board. TMC was informed that BEDC will prepare and forward a new contract detailing certain items and requirements of the BEDC.

Mr. Carrol Crombie made a motion to accept the executed Contract from Mr. Makens pending approval by Mr. Dwight Heard and submittal to Richpenn for confirmation of all requirements and hereby authorize President Charlie Anderson to execute the Contract upon receipt. Mr. Rick Whitehurst seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried.

VI. INFORMAL CITIZEN COMMENTS

VII. EXECUTIVE SESSION: President Charles Anderson convened the Board into Executive Session on July 21, 2008, at 7:50 pm.

SECTION 551.071 – CONSULTATION WITH ATTORNEY

- a.** Discussion Regarding BBT Crossing, Ltd. ADR Initiation

VIII. RECONVENE IN OPEN SESSION: President Charles Anderson reconvened the Board into the Regular Meeting on July 21, 2008, at 8:15 pm.

- a.** Discussion Regarding ADR Initiation by BBT Crossing, Ltd. - No action necessary at this time.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 8:15 p.m.

Secretary

Presiding Officer