

**AGENDA**

**BARTONVILLE COMMUNITY DEVELOPMENT CORPORATION**

**SPECIAL MEETING**

**February 26, 2018**

**BARTONVILLE TOWN HALL**

**1941 E. JETER ROAD, BARTONVILLE, TX 76226**

**6:00 P.M.**

**A. CALL TO ORDER**

**B. CITIZEN PARTICIPATION**

The purpose of this item is to allow citizens an opportunity to address the Bartonville Community Development Corporation Board on issues that are not the subject of a public hearing. Items which require a public hearing will allow citizens or visitors to speak at the time that item is introduced on the agenda. No formal action can be taken by the Board on items that are not posted on the agenda.

**C. ITEMS**

1. Discuss a funding request by Marty Bs, LLC.
2. Discuss a funding request by Denmiss, LLC.

**D. CLOSED SESSION**

The Bartonville Community Development Corporation Board of Directors to convene into a closed meeting pursuant to Texas Government Code Chapter 551, Sections 551.071 and 551.087 to discuss matters relating to:

1. Consultation with Town Attorney; and to deliberate funding request by Marty B's. LLC.
2. Consultation with Town Attorney; and to deliberate funding request by Denmiss, LLC.

**E. RECONVENE OPEN MEETING**

The Bartonville Community Development Corporation Board of Directors to reconvene into an open meeting and consider action, if any, on items discussed in closed session.

**F. ADJOURNMENT**

I hereby certify that the above agenda was duly posted on the Town Hall Bulletin Board on Friday, the 23<sup>rd</sup> day of February 2018, at 11:00 a.m.



Tammy Dixon, Town Secretary

**The Corporation reserves the right to reconvene, recess, or realign the order of business at any time prior to adjournment.**



4. State how the project will benefit the Town of Bartonville:

WITH ADDITIONAL SEATING MARTY B'S IS EXPECTED A 20-30% INCREASE IN SALES VOLUME. THIS PROJECT WILL ALSO PRODUCE 30 PLUS JOBS TO THE LOCAL COMMUNITY.

5. Describe the Project:

PROJECT WILL INCLUDE FULL BAR INCLUDING DRAFT BEER, COCKTAILS, BEER, AND MORE. THIS SPACE WILL BE OPEN AIR DIRECTLY ABOVE RESTAURANT ON THE ROOF TOP.

6. Describe the types and numbers of jobs to be generated and provide information on current level of employment including: (a) current payroll; and (b) breakdown of current payroll by zip code. Attach a copy of the business's most recent filing with the Texas Workforce Commission or other supporting documentation that can be used to determine actual employment level at the time of application.

- WE WILL ADD 6 MORE BARTENDERS, 20 SERVERS, AND 4 BUS/HOST POSITIONS.
- WE CURRENTLY EMPLOY 126 PEOPLE FROM LOCAL COMMUNITY AND PENTON.

7. List any other governmental assistance/incentives being requested or already approved for the project from sources other than the BCDC.

N/A

8. List any competition or similar businesses in the area.

N/A.

UNDOCUMENTED WORKER CERTIFICATION

Chapter 2264, Subchapter A, Texas Government Code requires that any public agency or economic development corporation shall require a business that submits an application to receive a public subsidy to include a statement certifying that the business does not and will not knowingly employ an undocumented worker. The Company certifies that its operation within Bexar County, Texas does not and will not knowingly employ an undocumented worker, as defined in Chapter 2264, Subchapter A, Texas Government Code, as amended (the "Act").

Pursuant to the Act, if the Company is convicted of a violation under 8 U.S.C. Section 1324a (f), after receiving any public subsidy, the Company shall promptly give the County written notice of such violation and the Company shall repay the amount of the payment with interest, at a rate of 6.75% per annum not later than the 120<sup>th</sup> day after the date the Company notifies the County of this violation.

**AUTHORIZATION AND CERTIFICATION**

I am the authorized representative for the Company for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application is true and correct to the best of my knowledge and belief. I hereby certify and affirm that the Company I represent is in good standing under the laws of the state in which the company, partnership, or sole proprietorship was organized and or operates and that no delinquent taxes are owed to the State of Texas or any political subdivision or entity thereof.

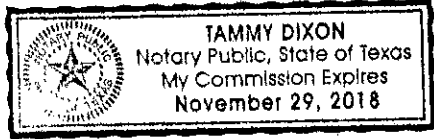
Authorized Official

Authorized Signature:	<i>Marty W. Bryan</i>
Name:	Marty W. Bryan
Title:	PRESIDENT
Telephone:	972-844-5177
E-Mail:	martywbryan@gmail.com

Given under my hand and seal of office this 12<sup>th</sup> day of February 2018.

*Tammy Dixon*  
Notary Public, State of Texas

My commission expires:



**Continued**

lounge furniture	\$ 5,597.98
tables and chairs	\$ 9,000.00
TV's	\$ 2,500.00
Bar equipment	\$ 3,000.00
floor	\$ 15,000.00
Stairs	\$ 15,000.00
Cable Run	\$ 4,250.00
Hostess Stand	\$ 500.00
Draft beer	\$ 7,000.00
Lights and electrical	\$ 2,500.00
	\$ 64,347.98

**Outside restrooms**

cabana  
plumbing  
electrical  
roof  
hvac  
fixtures  
septic  
core cutting  
Total

# DENMISS, L.L.C.

2650 FM 407, SUITE 200  
BARTONVILLE, TEXAS 76226  
TELEPHONE: (940) 241-3200  
FACSIMILE: (940) 241-3443



MAILING ADDRESS:  
P.O. BOX 769  
ARGYLE, TEXAS  
76226-0769

February 16, 2018

Bartonville Community Development Corporation  
Attn: Board Secretary  
1941 E. Jeter Road  
Bartonville, TX 76226

RE: Economic Development Agreement (“Agreement”) by and between the Bartonville Community Development Corporation (“BCDC”) and Denmiss LLC, successor-by-merger to Denmiss, L.L.C. (collectively, the “Company”)

To Whom It May Concern:

In order to defray a portion of the Company’s engineering design of three deceleration lanes on FM 407 and the construction cost for the third deceleration lane at I.T. Neely Road, the BCDC and the Company entered into the above referenced Agreement effective March 8, 2013. Included in the Agreement was a \$70,000 grant (“Grant II”) for 100% of the estimated construction cost of the third deceleration lane. The Company has met its obligations for the Grant II payment by awarding a contract to construct the deceleration lane to LandS Construction on January 11, 2018 (the “Construction Contract”), and the BCDC funded the \$70,000 for Grant II on January 29, 2018.

As stated in the attached grant request letter dated January 25, 2012, the \$70,000 amount for Grant II was based on an estimate by the Texas Department of Transportation (“TXDOT”) for the cost of constructing the deceleration lane. However, the Construction Contract for this project is for \$241,485.30. A breakdown of these costs is provided on the attached project quote that is part of the Construction Contract. The Company has worked diligently with LandS Construction to reduce costs as much as possible. Additional bids for this project were as high as \$338,135.

TXDOT may have estimated the construction cost of the third deceleration lane using the same construction requirements as the first two deceleration lanes. However, the scope of work on the third deceleration lane far exceeded the work required on the other two lanes. The existing concrete headwalls and drainage flume had to be sawcut and demolished; additional dirt had to be imported, excavated, and compacted for the new location of the ditch and turn lane; new concrete work was required for the headwall locations and drainage flume; the new headwalls, curb/grate inlet and box culverts had to be installed; and a new keystone block retaining wall had to be constructed. None of these items were necessary on the other two deceleration lanes.

Bartonville Community Development Corporation

February 16, 2018

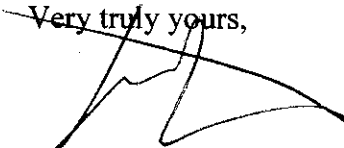
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Due to the significant difference in TXDOT's estimate and the actual cost of the Construction Contract, the Company requests that the BCDC consider amending the amount of Grant II in the Agreement to reflect the actual construction cost of the third deceleration lane in the amount of \$241,485.30, which is an increase of \$171,485.30 over the original Grant II amount already funded by the BCDC.

This deceleration lane project benefits not only the Company's development known as Bartonville Town Center, but also the developments of adjacent property owners on I.T. Neely Road (Yeti, L.L.C. and BryFam Properties, LLC). The deceleration lane also improves traffic flow and safety for all vehicles in Bartonville traveling at speeds of 50 mph in the southbound lanes of FM 407 past this intersection.

We appreciate the support that the BCDC has already provided, as well as your consideration of increasing this support by an additional \$171,485.30. Should you have any questions or need further information, please feel free to contact me at (940) 241-3200.

~~Very truly yours,~~

  
David E. Hunt  
Chief Executive Officer

DEH/mlh

Enclosures

cc: Robert E. Hager, Town Attorney  
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.  
1800 Lincoln Plaza  
500 North Akard  
Dallas, TX 75201

Michael Montgomery, Town Administrator  
Town of Bartonville  
*Via email to [mmontgomery@townofbartonville.com](mailto:mmontgomery@townofbartonville.com)*

Tammy Dixon, Town Secretary  
Town of Bartonville  
*Via email to [tdixon@townofbartonville.com](mailto:tdixon@townofbartonville.com)*



# BARTONVILLE

TOWN CENTER

January 25, 2012

Town of Bartonville  
Economic Development Committee  
1941 E. Jeter Road  
Bartonville, TX 76226-9401

Re: FM 407 Construction – Creation of Deceleration Lanes for Bartonville Town Center

Dear Committee Member:

Bartonville Town Center (“BTC”) requests economic assistance from the Bartonville Economic Development Committee (“BEDC”) in the form of a grant to assist in the costs of construction of public improvements consisting of deceleration lanes along FM 407.

BTC has worked successfully with the Town of Bartonville to create a commercial mixed-use center that creates significant revenue for Bartonville and serves the surrounding communities. BTC also is a well known destination for community events.

I understand that the Town of Bartonville has been coordinating with TxDOT to provide for deceleration lanes along FM 407 that were originally granted in 2002 and 2003 (see the attached Exhibit I for locations). TxDOT and Denton County have informed BTC that they only have funding for two of the three deceleration lanes originally granted. Deceleration lanes are necessary to provide safe entrance into the largest commercial project in the Town of Bartonville. Not having the deceleration lanes will produce a safety issue for patrons of BTC as well as travelers along FM 407. In addition, these public improvements would be a requirement to facilitate interest for first class retail in Phase II of the Bartonville Town Center. Future retail will be dependent on these improvements.

BTC requests BEDC provide a grant to be used to subsidize the costs to design three deceleration lanes and the construction costs for the deceleration lane off Neely Road. According to TxDOT, the design of the three deceleration lanes will be \$22,500. TxDOT estimates that the costs of constructing the deceleration lane at Neely Road would be \$70,000. Together, the total design and construction costs will be \$92,500 (\$22,500 plus \$70,000). BTC has agreed to donate the land necessary to construct all three deceleration lanes, which we estimate to be worth about \$85,000 (15 feet wide x 270 feet long x 3 lanes = 12,150 SF x \$7/SF + \$85,000).

Currently, BTC Phase I is 91% leased, with another 3% in lease negotiations which will bring BTC to 94% occupancy. Phase I currently generates about 170 office jobs and 62 retail jobs. Phase II is projected to generate about 106 office jobs and 183 retail jobs.

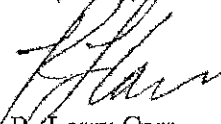


Current Phase I revenues at BTC greatly exceeds the amount of participation being requested. In addition, Phase II, which requires an anchor retailer to kick-off, will generate sales tax of \$284,000 annually for the Town of Bartonville exclusive of property taxes. The prospective anchor retailer for Phase II requires all three deceleration lanes.

I respectfully request you to provide a grant for the design of these public improvements, which include the design and construction of the deceleration lane at Neely Road, in the amount of \$92,500.

I look forward to discussing this with you in Tuesday's meeting.

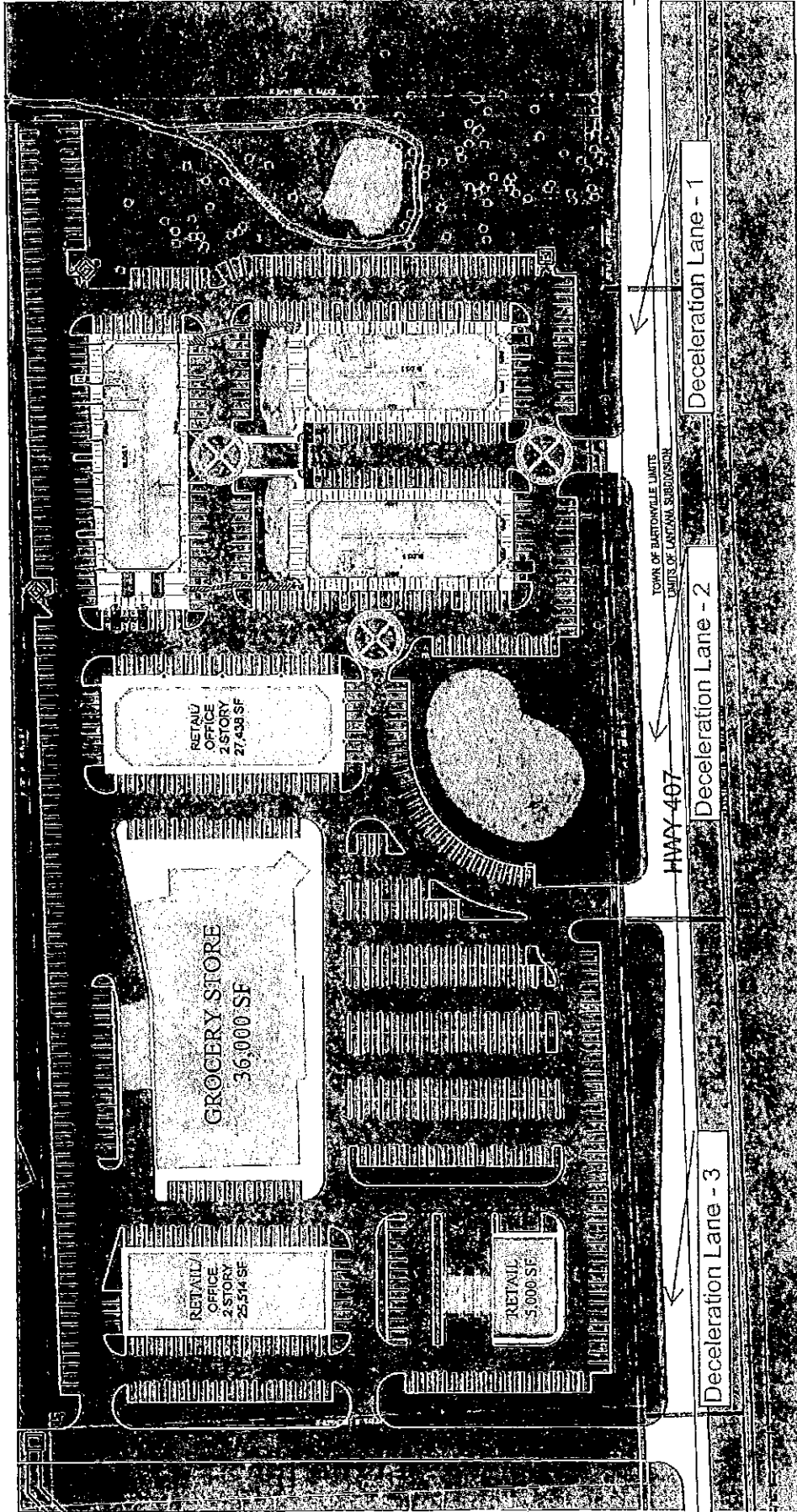
Very Truly Yours,



R. Larry Carr  
Director of Commercial Operations

RLC/lm

EXHIBIT I



Childress Architectural Group  
 A Division of Childress Architects, Inc.  
 225 North Main Street  
 ARLINGTON, TEXAS 76010  
 Phone: 817-261-1111  
 Fax: 817-261-1112



BARTONVILLE TOWN CENTER

**EXHIBIT A**



Mailing Address 9085 Tensley Ln.  
Denton, Texas 76210  
(940) 243-2793  
Fax# (940) 383-1768

**PROJECT QUOTE**

Name: Denkman Interests  
P.O. Box 769  
Argyle, TX 76226

Date: 10/20/2017  
Revised 12/14/2017

Attn: Troy Davis

Job Loc.: 2650 FM 407 Bartonville, TX.

ITEM NO.	Description	Units		Price	Sub Total
1	Sawcut and demo existing Concrete and utility structures to be removed.	1	L/S	\$5,800.00	\$5,800.00
2	Excavation and compaction, Siltence and inlet protection	1	L/S	\$19,500.00	\$19,500.00
2a	Contengent Cost of additional Dirt import and compact	1	L/S	\$10,185.00	\$10,185.00
3	9" HMACTYPE B	6,970	Sqft	\$6.34	\$44,189.80
4	9" 4200 Psi Concrete With 6" Curb and #6 Bars Longitude 8" oc And #5 Bars Transverse 48" oc	6,970	Sqft	\$9.65	\$67,260.50
5	Traffic Control	1	L/S	\$2,650.00	\$2,650.00
6	Thermoplastic Striping and markings	1	L/S	\$5,650.00	\$5,650.00
7	Keystone Block Retaining wall up to 3' in height	372	LF	\$62.50	\$23,250.00
8	Utility Improvements	1	L/S	\$63,000.00	\$63,000.00
	4'x2' Multi Box Headwall	2	EA		
	Convert Type C Inlet to Junction Box	1	EA		
	18" 60 Wye	1	EA		
	Curb and grate Inlet Type C	2	EA		
	18" 30 Bend	2	EA		
	18" RCP	18	LF		
	4'x2' Box Culvert	110	LF		
	3' Wide Flume 3000 psi concrete and #3 Rebar 18" Ocow	342	LF		
	4" in depth	128	LF		
	Trench Safety	1	L/S		
	Testing	1	L/S		
***	Bonding not included but can be provided if required				
***	Inspection Fees not included				

Sub Total \$ 241,485.30

New Construction Tax on Material only \$0.00

**TOTAL \$ 241,485.30**

Lands Construction is proud to quote the attached work with the understanding that neither Lands Construction or any of its employees are engineers. Therefore no engineering has been done. It is the owner's responsibility to acquire any engineering required or desired. If any engineering is acquired and changes are made to the original scope of work the prices in this proposal will change. The owner agrees to pay said changes. This quote is an estimate only, prices may change after final plans have been reviewed.

**Qualifications:**

1. Excludes limestabilization, waterproofing of slab, paving, and slab hardeners, stains and colors.
2. Excludes rock excavation of any kind (i.e. piers, grade beams, SOG, etc.) Casing (i.e. piers)
3. Excludes repairs to damaged underground utilities caused by normal construction and.
4. Excludes any grading, back fill, or compaction of electrical, sprinkler irrigation and/or landscape work UNO.
5. Price includes 1 move in. Additional moves billed at \$2675.00 each.
6. Excludes embedded items, materials (i.e. anchor bolts, weld plates, railing, curb island forms and ect.) unless noted.
7. Excludes Permits, fees, engineering and layouts.
8. Items not included in description are excluded from proposal.

This Proposal is valid only when attached to Lands Construction "Terms and Conditions 4/01/09"

Approved

Company: DAVIS INC

Date: 1/11/18

Sign: *[Signature]* Beth McVellan

Very truly yours,

Lands Const. Co., Inc.

By: Cody Land