

REGULAR MINUTES

**Tulsa Development Authority Board of Commissioners
Regular Meeting**

One Technology Center
175 East 2nd Street
Tulsa, OK 74103
10th Floor South Conference Room

Thursday – January 7, 2016
8:30 a.m.

Present:

Roy Peters, Chairman
Julius Pegues, Commissioner
Carl Bracy, Commissioner
Nancy Roberts, Commissioner
O.C. Walker II, Executive Director
Jot Hartley, General Counsel

Absent:

Steve Mitchell, Vice Chairman

Also Present:

Roger Acebo
Kevin Anderson
Howard Barnett
Clay Bird
Linn Cain
Steve Carr
Jim Coles
Charles Robert Davis
Leon Davis
Derek Gates
Peyton Haralson
Mark Hogan

Also Present:

Norman Kildow
Jean Lu
Ray Meldrum
Julie Miner
Joe O’Conner
John Robson
Bob Sullivan
Mike Thedford
Theron Warlick
NaTasha Bunch-Everly
Jane Malone

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The regular meeting was called to order at 8:33 a.m. by Chairman Peters. Decisions will be made, votes and action taken. A quorum was established. The Agenda will be followed as printed. Reports and supporting documentation were distributed for this meeting and will be incorporated by reference to the minutes and filed with the meeting packet.

- 1. Roll Call:** Jane Malone called roll: Chairman Peters, Commissioner Pegues, Commissioner Bracy, and Commissioner Roberts were in attendance. Vice Chairman Mitchell was absent. A quorum was present.

2. Routine, Repetitive Items for Action:

- a. Minutes of December 3, 2015 Regular Meeting
- b. Minutes of December 3, 2015 Executive Session Meeting
- c. Minutes of December 15, 2015 Special Meeting

Commissioner Bracy moved to approve the minutes, Agenda Items 2. a., 2.b., and 2.c., seconded by Commissioner Pegues. The vote was recorded as follows:

Ayes: Peters, Pegues, Bracy, and Roberts

Nays: None

The motion passed unanimously

3. Executive Director's Monthly Report- A copy of this report was included in the Commissioner's packets. Copies of the Report were available at the table in the rear of the room.

1. Project Status Update

- **Tulsa Urban Development Group, LLC, d/b/a Urban8:** 8 Single Family Dwellings. Ms. Hovell indicated that the project is progressing well and there are no problems to report. Urban8/TUDG, TOSA, Greenwood Avenue Partners, and TDA closed on the 40 foot strip of land to the West of the property. [Location of property: North of 3rd Street, between Greenwood Avenue and Kenosha Street.]
- **The Edge at East Village (Hartford Commons, LLC):** 162 Apartment Units. The Redeveloper indicates all framing for the project is complete and they are wrapping up the punch list items. The concrete pouring for the parking garage is near completion and window installation is in process. Exterior masonry façade will begin in January 2016. All roofing materials have been delivered and installation will commence at the end of 2015. Interior drywall preparation has commenced. [Location of the property: SE corner of South Greenwood Ave. and E. 2nd Street.]
- **100 Boulder, formerly Maplevue Associates, Inc.:** 18 Condominium Units. On December 4, 2015, The City of Tulsa issued a Certificate of Occupancy for the subject property. The TDA office is preparing a Certificate of Completion. Once the Certificate of Completion is issued, TDA will refund the Good Faith deposit to the Redeveloper. Following the issuance of the Certificate of Completion, TDA will submit a report indicating all of TDA's expenses and return the balance to the City of Tulsa. This is an Agenda item today. [Location of property: Southwest Corner of 1st Street and Boulder Ave.]

- **The Flats on Archer:** 140 Apartment Unit Building. On December 3, 2015, the TDA Board of Commissioners reviewed and approved a Resolution approving the Construction Drawings and Building Specifications. The Abstract is being reviewed by the Title Company. The closing is set for today at 1:30 p.m. [Location of property: 110 N. Boston Avenue.]
- **East End Village:** 62 Apartment Unit Building. The Redeveloper is in the process of wrapping up all mechanical, electrical, and plumbing inspections. The contractor is in the process of completing the punch list for final paint, rough clean, miscellaneous trim, and cabinet work. The Redeveloper plans to apply for the final Certificate of Occupancy by December 31, 2015. On November 5, 2015, the TDA Board of Commissioners approved a Resolution authorizing the Eighth Draw Request in the amount of \$187,334.39. The request has not been processed because the TDA office is waiting for the Redeveloper to provide the following: 1) a letter from the Architect of Record indicating the construction completion percentage; 2) a copy of all Mechanical and Materialman's Lien releases; 3) a list of former and current sub-contractors. Executive Director Walker stated the Redevelopers supplied the requested information to TDA and Counsel Hartley. After Counsel Hartley has reviewed the information, the draw request will be processed. [Location of property: 401 and 405 South Elgin Avenue, 408 and 418 South Frankfort Avenue, 414 East 4th Street, and 415 East 5th Street.]

2. **Sector Plan Update:** Houseal Lavigne Associates (HLA) sent the vision, goals, and objectives for the Kendall - Whittier Sector Plan area for review and consideration by the TDA Board and the Citizen Advisory Team (CAT). The North Tulsa and Kendall Whittier plans include the vision, future land use framework, goals and objectives. These items were distributed to the CAT members. Executive Director Walker stated, Houseal Lavigne will be here on February 4, 2016, and will present a one hour presentation to the Board. Chairman Peters advised the Board to plan for a longer meeting next month to allow time for the presentation. Executive Director Walker stated Houseal Lavigne will also make presentations to the Tulsa City Council, and the CAT teams for North Tulsa and Kendall Whittier.

Commissioner Pegues asked for a start date on the construction of the Ogan's Circle Street. Leon Davis replied, a definite start date has not been set.

4. **Staff Reports and Discussion – City of Tulsa (C.O.T.)**

- a. **TIF Report Update – Mike Thedford: A copy of the report is included in the Commissioner's packets:**

- **Blue Dome Lighting Project: Fund No. 6967 –** Approximately 150 lights throughout the Blue Dome District. Engineering Design – City of Tulsa – Plans and specifications are 100% complete. Plans are currently

under review by City of Tulsa in preparation for bidding, once the plans are approved.

- **Proposed streetscape improvements to Cameron Street: Fund No. 6963** – Mike Thedford, Executive Director Walker, and representatives with Wallace Engineering held a meeting to discuss the project and funding. The project will be managed by the City of Tulsa.
- **Elgin streetscape improvements: Fund No. 6967** – The project is complete. The Economic Development Administration has sent close-out documents. Final funds payment to Tulsa Industrial Authority is pending.

b. **North Peoria TIF Update – Derek Gates: A copy of the report is included in the Commissioner’s packets:** Executive Director Walker stated a public meeting was held on December 15, 2015 at the Rudisill Library to receive feedback from the community regarding possible projects in the North Peoria TIF area. Majority of participants expressed concern for lack of lighting on Peoria between Pine and Apache. The City of Tulsa does not have funding for utility bills and maintenance for street lighting. Mr. Gates stated in his report, he would investigate mechanisms for possibly using TIF funds for operation and maintenance of projects.

c. **Elm Creek/6th Street Drainage Detention and Conveyance Plan – Roger Acebo: A Copy of the report is included in the Commissioner’s packets:** Roger Acebo stated this acquisition relocation is similar to the Kendall Whitter acquisition relocation. An approval is needed from City of Tulsa Special Projects and sales taxes are funding the project. Mr. Acebo answered questions from the Board regarding the \$4 million available for the project.

5. General Counsel

a. **Pending Litigation Report was included in the Commissioner packets:** General Counsel Hartley provided the monthly pending litigation report. General Counsel Hartley reported that any changes or new items are indicated in “**BOLD**” print. He also provided a status and overview of the report.

Lien Foreclosure:

- **Alpine Roofing, LLC v. MGT Construction Management, East End Village, LLC; Larson Development, TDA and others:**
TDA continues to receive motions, answers, and cross claims from various subcontractors and claimants – preparing responses on behalf of TDA and its mortgage lien. This case has been consolidated with the CJ-2015-2212 case. Counsel Hartley attended the Joint Status Conference with the Court Clerk, Judge Cantrell, and 17 other attorneys. Minute Order entered – all parties

are on hold as to additional filings until the Court has ruled on pending motions to join a 3rd lawsuit and restyle the caption of the two pending consolidated cases.

Breach of Contract and Lien Foreclosure Counterclaims:

- **East End Village, LLC v. MGT Construction Management, Inc. et al:**
Action filed by East End Village, LLC in response to the lawsuit brought by subcontractors in CJ-2015-1898. This case has been consolidated with the CJ-2015-2212 case. See discussion of consolidated case above.

Other:

- **Novus Homes (Wilkins)**
Redevelopers have failed to provide financial ability to construct documentation following a 90 day extension until November 13, 2015. TDA denied another extension request at the December 2015 meeting and has declared default. The notice of default was served on December 22, 2015. General Counsel advised a request was made to be added to the February 2016 TDA Agenda and this is an Agenda item for the Executive Session today; further discussion will occur at that time.

6. Discussion, consideration, and vote to accept Financial Reports

- a. **November 2015 - Income and Expenditure Report - included in the Commissioner packets:** Norman Kildow provided an updated report and an overview of the Income and Expenditure Report to the Commissioners and answered questions.
- b. **Comparative Financial Statements - included in the Commissioner's packets:** Norman Kildow provided an updated report, gave an overview of the Comparative Financial Statements, and answered questions from the Board. After discussion, Commissioner Bracy moved to accept the Tulsa Development Authority Financial Report for November 2015 and Comparative Financial Statements for November 2015, and approve **Resolution No. 6176**, seconded by Commissioner Pegues. The vote was recorded as follows:

Ayes: Peters, Pegues, Bracy, and Roberts

Nays: None

The motion passed unanimously.

7. Receive, Discuss, and Vote:

- a. Discussion, consideration, and vote to approve a Resolution authorizing the implementation of the 2015 – 2021 Strategic Plan, Growing Tulsa. Enriching Communities:** Chairman Peters stated, in essence of time today, this item will be postponed until the February 2016 meeting.
- b. Discussion, consideration, and vote to authorize temporary use of the University Center at Tulsa land located East of Martin Luther King Jr., Blvd., between East King Street and East Jasper Street, Tulsa, Oklahoma, for Drexel Academy:** Howard Barnett, President of OSU-Tulsa, Bob Sullivan, Chairman of the Board for Drexel Academy, Joe O’Conner, Executive Director for Drexel Academy, and Bob Davis with OSU, were present to answer questions and concerns from the Board. At the December 3, 2015 Regular Meeting, TDA requested Drexel Academy submit Conceptual Plans and a copy of the Lease Agreement. The documents were submitted to TDA and included in the Commissioners packets for review. Mr. John Robson with the Brady Heights Neighborhood Association shared concerns on the lack of information shared with the Brady Heights Neighborhood Association and the esthetic of the project. Mr. Howard Barnett stated communication and involvement with the Brady Heights Neighborhood Association will continue. Commissioner Pegues also questioned whether TPS had been informed of their project and what students would be attending – target area. After discussion, Commissioner Roberts moved to approve **Resolution No. 6177**, authorizing temporary use of University Center at Tulsa land located East of Martin Luther King Jr., Blvd., between East King Street and East Jasper Street, subject to resubmission and separate approval of Schematic Plans and submission of the legal description for the property. Commissioner Bracy seconded the motion. The vote was recorded as follows:

Ayes: Peters, Pegues, Bracy, and Roberts
Nays: None

The motion passed unanimously.

- c. Discussion, consideration, and vote approve a Resolution authorizing a transfer of funds to the City of Tulsa for the sale of property located at 100 Boulder Avenue, Tulsa, Oklahoma:** Executive Director Walker stated, TDA was to dispose of the property for the highest and best use, with the understanding TDA would remit all proceeds back to the City of Tulsa, less TDA’s expenses and administration fees.

Commissioner Bracy moved to go into Executive Session at 9:23 a.m., seconded by Commissioner Bracy. The vote was recorded as follows:

Ayes: Peters, Pegues, Bracy, and Roberts
Nays: None

The motion passed unanimously.

8. Executive Session: Discussion, consideration and vote to go into Executive Session as authorized by 25 O.S. §307(b)(4) for confidential communications with TDA General Counsel regarding a pending investigation, claim or action upon determination by the TDA Board of Commissioners, with the advice of its General Counsel, that disclosure will seriously impair the ability of the TDA Board of Commissioners to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest and/or 25 O.S. §307(c)(10) for the purpose of conferring on matters pertaining to economic development for which public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business:

- a. Confidential communication with Counsel regarding an amendment to a Redevelopment Agreement between William (Will) Wilkins, Cecilia Wilkins, Novus Homes, LLC and W3 Development for the Towne Place Suites project located on the Northwest Corner of East Archer Street and North Elgin Avenue, Tulsa, Oklahoma. [25 O.S. §307(b) (4) and §307(c) (10).]
- b. Confidential communication with Counsel regarding the Request for Proposal submitted by the University Center at Tulsa. [25 O.S. §307(b) (4) and §307(c) (10).]

Commissioner Roberts exited the meeting at 9:55 a.m.

9. Vote to Return to Open Session: Commissioner Bracy moved to return to open session at 9:55 a.m., seconded by Commissioner Pegues. The vote was recorded as follows:

**Ayes: Peters, Pegues, and Bracy
Nays: None**

The motion passed unanimously.

10. Statement of the Executive Session: During Executive Session, all Commissioners of the Authority who were present for this meeting were present for the Executive Session. The Authority maintained a quorum. During the Executive Session, the items on the published Agenda were the only items discussed. No votes were taken during the session. This will constitute the minutes of the Executive Session.

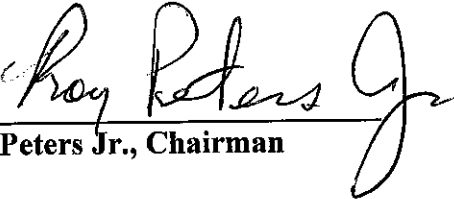
11. Discussion, consideration and vote on items discussed in Executive Session:
None

12. New Business: None

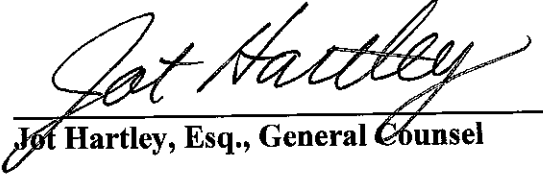
13. **Adjournment:** Chairman Peters adjourned the meeting at 9:56 a.m.

Tulsa Development Authority

Approved as to legal form and adequacy:



Roy Peters Jr., Chairman



Jot Hartley, Esq., General Counsel

[1-7-2016 – Regular Meeting Minutes - (nbe-)]