

## REGULAR MINUTES

### Tulsa Development Authority Board of Commissioners Regular Meeting

One Technology Center  
175 East 2<sup>nd</sup> Street  
Tulsa, OK 74103  
10<sup>th</sup> Floor North Conference Room

Thursday – October 6, 2016  
9:00 a.m.

#### Present:

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

#### Absent:

#### Also Present:

Roger Acebo  
Tom Baker  
Linn Cain  
Stephen Carr  
Allecia Chatman  
David Charney  
Andrew Coffey  
Jim Coles  
Spencer L. Gainly  
Derek Gates  
Ross Heyman  
Preston Jones  
Norman Kildow  
Jean Lu

#### Also Present:

Lottie Nealy  
Rhett Morgan  
Sally Mosby  
Brant Pitchford  
Marvin Shirley  
Mike Thedford  
Matt Trotter  
James Weger  
Dennis Whitaker  
Cecilia Wilkins  
Pat Williams  
NaTasha Bunch-Everly  
Jane Malone  
Carol Young

**The Regular Meeting was called to order at 9:02 a.m. by Chairman Peters. Decisions will be made, votes and action taken. A quorum was established. 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 present. Vice Chairman Mitchell arrived at 9:12 a.m. A quorum was present.

**2. Routine, Repetitive Items for Action:**

- a. Minutes of September 1, 2016 Regular Meeting
- b. Minutes of September 1, 2016 Regular Executive Session Meeting

Commissioner Pegues moved to approve the minutes, Agenda Items 2.a., and 2.b., seconded by Commissioner Bracy. 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**

**A. Tulsa Urban Development Group, LLC, d/b/a Urban8:**

TDA issued a Certificate of Completion in April 2016. The project has a new broker of record to attract individuals to the Condo's.

**B. The Edge at East Village (Hartford Commons, LLC):**

The project is scheduled for completion in October 2016. The number of units available for lease is 96. Currently, 20 units are occupied and 40 units are leased.

**C. Fire Station No. 1 - CORE Associates, LLC:**

The Redeveloper is in the process of finalizing details of the potential development partnership agreement. CORE Associates, LLC indicates this development will make a huge impact to Downtown Tulsa.

**D. The Flats on Archer:**

The project is currently in the permitting stage with the City of Tulsa.

**E. Blue Dome Anchor, LLC a/k/a The Hartford Building:**

No new information.

**F. YMCA Lofts:**

The Redevelopers will submit another Advance Request for the November TDA Board Meeting.

**G. The Meridia, LLC - City Development LLC:**

This is an Agenda Item today for Advance Request No. 6.

**H. Tulsa Box Yard:** On August 4, 2016, the TDA Board of Commissioners Approved Resolution No. 6251, approving the First Amendment to Redevelopment Agreement, Promissory Note, and Mortgage. Shipping Containers have been delivered.

**I. First Street Lofts:** Construction has commenced. Demolition and cleanup of miscellaneous debris is complete. The walls are currently being laid out. Rough in mechanical, plumbing, and electrical will start by mid-October.

**2. The Village at Central Park:** There are two separate Redevelopers for the project. Pearl Development, LLC is in the process of selecting a new Project Architect because the previous Project Architect relocated to another state. Construction documents are to be submitted to the TDA Board in December 2016. VCP, LLC has received the approved building permits and plan to mobilize in October 2016. Construction will commence in October.

**5. Sector Plan Update**

On September 7, 2016, the TMAPC reviewed and recommended approval of the adoption of both Sector Plans by Resolution rather than ordinance. The plans will have two Public Hearings to allow input from the area residents on October 12, 2016 and October 26, 2016. TDA has contracted with Oakwood Graphics to create and install 30 signs 14 days before the first Public Hearing. An advertisement was placed in the Tulsa World on September 25, 2016 because the advertisement must be published 14 days before the first Public Hearing.

Chairman Peters provided an update regarding a meeting with Mayor Elect G.T. Bynum.

After discussion, Commissioner Bracy moved to accept TDA's Executive Director Report for October 2016. Commissioner Roberts seconded the motion. The vote was recorded as follows:

**Ayes: Peters, Mitchell, Pegues, Bracy, and Roberts**

**Nays: None**

**The motion passed unanimously**

**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** – Project will be advertised for bid before October 1, 2016. Fixtures on Elgin, between 1<sup>st</sup> Street and railroad tracks, have bid and a PO number has been issued and lights have been ordered. Contractor will be ready for installation as soon as

lights are delivered. Currently, delivery is estimated sometime in November.

- **Proposed streetscape improvements to Cameron Street: Fund No. 6963** – Project bid advertising is projected to start by October 1, 2016. Mylar's have been signed as of September 26, 2016. Bid advertising projected to start in early October.
- **Elgin streetscape improvements: Fund No. 6967** – Streetscape enhancements matching Downtown Streetscape Master Guidelines. Plans are at 75% and working with City of Tulsa Planning.

**Mr. Thedford's report was accepted as presented by the TDA Board.**

- b. **North Peoria TIF Update – Derek Gates: A copy of the report is included in the Commissioner's packets:** Mr. Derek Gates met with The Lacy Park Council and The Joe Louis Homeowners Association about the status of the North Peoria TIF and future plans. Mr. Gates stated another community meeting will be held about October 23<sup>rd</sup> or 24th.

Mr. Gates requested the TDA Board approve Phase 1 of the North Peoria Lighting Project. Commissioner Roberts requested the Preliminary Report for the North Peoria Lighting Project be added to the TDA Website. After discussion, Commissioner Bracy moved to approve **Resolution No. 6273**, approving Phase One – Project Identification Evaluation and Feasibility Study from D.W. Gates Engineering for the North Peoria Street Lighting Project, Tulsa, Oklahoma – Tax Increment District No. 4 (a/k/a North Peoria TIF). Commissioner Pegues seconded the motion.

**Ayes: Peters, Mitchell, Pegues, Bracy, and Roberts**

**Nays: None**

**The motion passed unanimously**

- c. **WIN's Department – Brant Pitchford: A copy of the report is included in the Commissioner's packets:** Mr. Brant Pitchford presented the WIN Department Report and Expansion Proposal. The Expansion Proposal provided details for expanding the boundaries to include the North Tulsa Sector Plan to capture additional citizens to assist in home repairs. Mr. Pitchford answered questions and concerns from the Board. After discussion, Commissioner Bracy moved to approve **Resolution No. 6274**, approving expansion of Boundaries and Types of Services for expenditure of TDA funds to provide Tornado Relief Assistance to Under-served families affected by the March 30, 2016 storm. Commissioner Roberts seconded the motion. The vote was recorded as follows:

**Ayes: Peters, Mitchell, Pegues, Bracy, and Roberts**

**Nays: None**

**The motion passed unanimously**

- d. Elm Creek/6<sup>th</sup> Street Drainage Detention and Conveyance Plan –**  
**Roger Acebo: A copy of the report is included in the Commissioner’s packets:** Mr. Roger Acebo presented his Report and stated all costs incurred by TDA will be reimbursed by the City of Tulsa. After discussion, Commissioner Pegues moved to accept the Report as presented. Vice Chairman Mitchell seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously**

**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:**  
Several lien claimants have dismissed their lien foreclosures or have assigned their claims to East End Village; some of the remaining lien claimants are seeking motions to Compel Production of documents – motions to compel do not involve TDA.

**Breach of Contract and Lien Foreclosure Counterclaims:**

- **East End Village, LLC v. MGT Construction Management, Inc., et al:**  
See discussion of consolidated case above.
- **Sunbelt Fire Protection, Inc. v. MGT Construction Management, Inc. et al:**  
TDA still has not been served.

**Other:**

▪ **Novus Homes (Wilkins).**

TDA General Counsel and Special Counsel are proceeding with Arbitration as requested by Wilkins.

After discussion, Commissioner Bracy moved to approve the General Counsel Report as presented. Commissioner Roberts seconded the motion. The vote was recorded as follows:

**Ayes: Peters, Mitchell, Pegues, Bracy, and Roberts**

**Nays: None**

**The motion passed unanimously**

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

**a. August 2016 - 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. He further requested the transfer of CBDG money to Program Income - Fund No. 5540.

**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, Vice Chairman Mitchell moved to accept the Financial Report and Comparative Financial Statements for August 2016, and Program Income Report for Fund No. 5540, **Resolution No. 6275**, seconded by Commissioner Bracy. The vote was recorded as follows:

**Ayes: Peters, Mitchell, Pegues, Bracy, and Roberts**

**Nays: None**

**The motion passed unanimously.**

**7. Receive, Discuss, and Vote:**

**a. Discussion, consideration, and vote to re-issue a Request for Proposals (RFP) for TDA owned property located on the Northwest corner of East Archer Street and North Elgin Avenue, Tulsa, Oklahoma, commonly referred to as Block 44:** Executive Director Walker stated he included language at the suggestion of Mr. Clay Bird, requesting Respondents to include if and how much public assistance would be needed for completion of the proposed project. Commissioner Roberts stated on page 6 of the RFP, the language concerning the overhead utilities

should be clarified. General Counsel Hartley stated, for clarification, the language should include consideration for overhead utilities in design concept and possible cost of moving utilities underground. Executive Director Walker, stated the RFP will reflect these changes prior to publication. After discussion, Vice Chairman Mitchell moved approve **Resolution No. 6276**, authorizing issuance of a Revised Request for Proposals for the Sale and Redevelopment of TDA owned property located on the Northwest corner of East Archer Street and North Elgin Avenue, Tulsa, Oklahoma – Block 44. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously**

- b. Discussion, consideration, and vote to receive and review responses from the Request for Proposals (RFP) for Qualified Developers to construct and develop TDA property located on East Latimer Street, between North Boston Avenue and North Main Street, Tulsa, Oklahoma, as follows:**

**i. Capital Homes, LLC**

**ii. Tulsa North CDC and KBK Enterprises**

Executive Director Walker stated there were two (2) responses to the Request for Proposals. Each Respondent is present to provide a presentation to the Board. Executive Director Walker also stated at the suggestion of Commissioner Roberts, the RFP Responses will be posted on the TDA website for community review.

Dr. Pat Williams, representative with Tulsa North CDC, was present to provide a presentation of the proposed Senior Living Mixed Development Complex. She answered questions and concerns from the Board.

David Charney and Ross Heyman, representatives with Capital Homes, were present to provide a presentation of the proposed housing development in the area. The representatives answered questions and concerns from the Board

After discussion, Commissioner Roberts moved to table action until the Responses are posted on the TDA website for community review. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously**

- c. **Discussion, consideration, and vote to approve a Resolution authorizing the Sixth Draw Request from The Meridia, LLC in accordance with the terms and conditions of the Downtown Development Redevelopment Fund Committee for property located at 522 South Boston Avenue, Tulsa, Oklahoma:** Executive Director Walker stated this is the Sixth Draw request for the Meridia project representing 73% completion for the amount of \$104,000.00. After discussion, Commissioner Pegues moved approve **Resolution No. 6277**, approving payment of Advance Number Six (6) to The Meridia, LLC pursuant to Redevelopment Agreement for the Meridia Project - 522 South Boston Avenue, Tulsa, Oklahoma. Commissioner Bracy seconded the motion. The vote was recorded as follows:

**Ayes: Peters, Mitchell, Pegues, Bracy, and Roberts**

**Nays: None**

**The motion passed unanimously**

- d. **Discussion, consideration, and approval to release a Request for Proposals (RFP) for Installation of Sculptures and Associated Improvements located in and upon the Vest Pocket Park Located on East Archer Street, Between North Main Street and North Boulder Avenue, Tulsa, Oklahoma:** General Counsel Hartley explained the cost of the sculpture falls into the Competitive Bidding Act and therefore a Request for Proposals should be issued. After discussion, Vice Chairman Mitchell moved to approve **Resolution No. 6278**, authorizing Issuance of a Request for Proposals (RFP) for Installation of Sculptures and Associated Improvements upon TDA owned property (Vest Pocket Park) located on East Archer Street, between North Main Street and North Boulder Avenue, Tulsa, Oklahoma (not to exceed \$60,000.00). Commissioner Bracy seconded the motion. The vote was recorded as follows:

**Ayes: Peters, Mitchell, Pegues, Bracy, and Roberts**

**Nays: None**

**The motion passed unanimously**

**Commissioner Bracy moved to go into Executive Session at 10:16 a.m., seconded by Commissioner Pegues. The vote was recorded as follows:**

**Ayes: Peters, Mitchell, 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 responses from the Request for Proposals (RFP) for Qualified Developers to construct and develop TDA owned property located on East Latimer Street, between North Boston Avenue and North Main Street. [25 O.S. §307(b) (4) and §307(c) (10).]
- b. Confidential communication with Counsel regarding the status of the Redevelopment Agreement dated June 30, 1986 between the University Center at Tulsa and the Tulsa Development Authority. [25 O.S. §307(b) (4) and §307(c) (10).]
- c. Confidential communication with Counsel regarding the loan of TDA unrestricted funds in support of the purchase of real property and subsequent redevelopment to support an economic development initiative by Mayfield, LLC, impacting the development of Downtown Tulsa, Oklahoma. [25 O.S. §307(b) (4) and §307(c) (10).]
- d. Confidential communication with Counsel regarding the status of arbitration of Redeveloper's objection to termination of the Contract for Sale of Land for Private Redevelopment dated April 13, 2013, as amended, between William (Will) Wilkins, Cecilia Wilkins, Novus Homes, LLC and W3 Development, LLC, (Redeveloper) and the Tulsa Development Authority.. [25 O.S. §307(b) (4) and §307(c) (10).]

**Vice Chairman Mitchell exited the meeting at 10:45 a.m.**

9. **Vote to Return to Open Session:** Commissioner Pegues moved to return to Open Session at 11:09 a.m., seconded by Commissioner Bracy. The vote was recorded as follows:

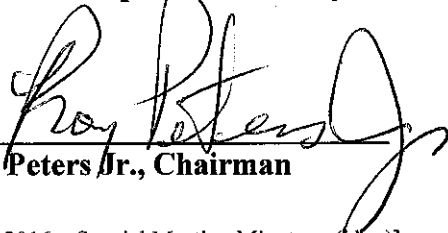
**Ayes: Peters, Pegues, Bracy, and Roberts**

**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 11:10 a.m.

**Tulsa Development Authority**

  
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**Roy Peters Jr., Chairman**

[10-6-2016 – Special Meeting Minutes - (hbe-)]

**Approved as to legal form and adequacy:**

  
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**Jot Hartley, Esq., General Counsel**