

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 – February 12, 2015

8:30 a.m.

Present:

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

Absent:

Also Present:

Kevin Anderson
Andrew Coffey
Leon Davis
Reuben Gant
Gary Hamer
Yvonne Hovell
Norman Kildow
Steve Larry

Also Present:

Michael Sager
Carrie Shell
Cynthia Stewart
Mike Thedford
Will Wilkins
NaTasha Bunch
Jane Malone
Carol Young

The regular meeting was called to order at 8:30 a.m. by Chairman Pegues. 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 Pegues, Vice Chairman Peters, and Commissioner Bracy were in attendance. Commissioner Mitchell arrived at 8:40 a.m. A quorum was present.
2. **Routine, Repetitive Items for Action:**
 - a. Minutes of January 8, 2015 Work Study Session
 - b. Minutes of January 15, 2015 Regular Meeting

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

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

The motion passed unanimously

- c. Tulsa Development Authority Financial Report for December 2014
- d. December 2014 – Comparative Financial Statements

Commissioner Bracy moved to receive the Tulsa Development Authority Financial Report for December 2014 and Comparative Financial Statements for December 2014, seconded by Vice Chairman Peters. The vote was recorded as follows:

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

The motion passed unanimously.

- e. December 2014 – Program Income Report

Commissioner Roberts moved to approve **Resolution No. 6052**, approving payment of the December 2014 – Program Income Report, seconded by Vice Chairman Peters. The vote was recorded as follows:

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

The motion passed unanimously.

3. Receive, Discuss, and Vote:

- a. **Discussion, consideration, and vote to approve a Resolution authorizing payment of City of Tulsa, in the amount of \$3,810.891 provided by the Finance Department during October through December 2014:** The Board thanked Norman Kildow for the financial services provided. After discussion, Vice Chairman Peters moved to approve **Resolution No. 6053**, approving payment of invoice from The City of Tulsa Finance Department in the amount of \$3,810.91 for accounting services rendered October 1, 2014 through December 31, 2014. Commissioner Roberts seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

Commissioner Mitchell arrived at 8:40 a.m.

- b. **Discussion, consideration, and vote to approve a Resolution authorizing payment to Tulsa Industrial Authority in the amount of \$164,302.18 for the Blue Dome TIF streetscaping project located on North Elgin between East 1st Street and Burlington Northern (BNSF) Rail Road:** Executive Director Walker provided rationale for approving a Resolution. After discussion, Commissioner Bracy moved to approve **Resolution No. 6054** approving payment to Tulsa Industrial Authority from the Blue Dome TIF for certain Construction Improvements - South Elgin Streetscape Project. Vice Chairman Peters seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- c. **Discussion, consideration, and vote to approve a Resolution authorizing a Redevelopment Agreement between Nelson+Stowe Development LLC and Tulsa Development Authority for property located on the southeast corner of East 3rd Street and South Frankfort Avenue, Tulsa, Oklahoma:** General Counsel Hartley stated a response has not been received from Nelson+Stowe Development LLC regarding issues with the Redevelopment Agreement. After discussion, Commissioner Mitchell moved to approve **Resolution No. 6055**, approving Contract for Sale of Land for Private Redevelopment with Nelson+Stowe, LLC for the Sale and Redevelopment of TDA owned real property located at the Southeast Corner of East 3rd Street and South Frankfort Avenue, Tulsa, Oklahoma. Vice Chairman Peters seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- d. **Discussion, consideration, and vote approving a Resolution authorizing an amendment to the existing Redevelopment Agreement with Crossover Community Impact, Inc. and Tulsa Development Authority for property located at 3309 N. Lansing Place, Tulsa, Oklahoma:** Executive Director Walker explained the Redeveloper originally planned to demolish the structure and upon inspection, the structure was deemed unqualified for demolition. Crossover Community Impact, Inc. will provide plans to the TDA Board for approval. This amendment allows the Redeveloper to rehabilitate the structure. After discussion, Commissioner Bracy moved to approve **Resolution No. 6056**, approving Contract for Sale of TDA owned property located at 3309 North Lansing Place to Crossover Community Impact, Inc. Commissioner Mitchell seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- e. Discussion, consideration, and vote to approve a Resolution authorizing a request to amend the existing Sector Plan project area:** Executive Director Walker and General Counsel Hartley provided information and rationale regarding an extension of boundaries for the Sector Plan Update and the associated cost. After discussion, Commissioner Mitchell moved to approve Resolution No. 6057, approving Amendment of existing Sector Plan Project Area for Update of the City of Tulsa Sector Plans. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

Nays: None

The motion passed unanimously.

- f. Discussion, consideration, and vote to authorize a Resolution approving the selection of candidates to serve on the Citizens Advisory Team (CAT) for the Sector Plan update:** Executive Director Walker stated two additional names were added to the list the Commissioners reviewed at last Thursday's meeting. Executive Director Walker provided a brief background of Jamal Dyer and Thomas Carter. The list was approved by Councilor Jack Henderson. After discussion, Commissioner Bracy moved to approve Resolution No. 6058, approving members of Citizens Advisory Team (CAT) for the Update of City of Tulsa Sector Plans. Vice Chairman Peters seconded the motion. The vote was recorded as follows:

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

Nays: None

The motion passed unanimously.

- g. Discussion, consideration, and vote to authorize a Resolution approving Construction Drawings and Building Specification submitted by William (Will) Wilkins, Cecilia Wilkins, Novus Homes, LLC and W3 Development, LLC for TDA owned property located on the northwest corner of East Archer Street and North Elgin Avenue, Tulsa, Oklahoma:** Commissioner Bracy requested the area designated for the Darven Brown memorial be defined on the plans. Carrie Shell, representative with SQD Architects, and Will Wilkins, representative with Novus Homes LLC and W3 Development, LLC, stated a revised copy of the plans indicating the area for the memorial will be submitted to TDA. After discussion, Commissioner Roberts moved to approve Resolution No. 6059, approving Construction Documents submitted by William (Will) Wilkins, Cecilia Wilkins, Novus Homes, LLC, and W3 Development for Redevelopment of TDA owned property located at the northwest corner of Elgin Avenue and East Archer Street, Tulsa,

Oklahoma subject to include the Darven Brown memorial. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- h. Discussion, consideration, and vote to authorize a Resolution approving an Assignment of Redevelopment Agreement from Michael Smith to Lamont Hawkins for City of Tulsa owned property located at 1980 North Hartford Avenue, Tulsa, Oklahoma, Dirty Butter – Heritage Hills Extension:** Executive Director Walker stated Mr. Michael Smith is assigning one (1) of the three (3) awarded Dirty Butter Lots to Mr. Lamont Hawkins. After discussion, Vice Chairman Peters moved to approve **Resolution No. 6060**, approving assignment of Redevelopment Contract by Michael Smith to Lamont Hawkins for Redevelopment of City of Tulsa owned real property located at 1980 North Hartford Avenue, Tulsa, Oklahoma. Commissioner Mitchell seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- i. Discussion, consideration, and vote to authorize a Resolution approving the Revised 6th Amendment to the existing Redevelopment Agreement between the Tulsa Development Authority and Tulsa Urban Development Group, LLC d/b/a Urban8, LLC for property located north of East 3rd Street between South Greenwood Avenue and South Kenosha Avenue, Tulsa, Oklahoma:** General Counsel Hartley explained the Revision is to correct technical errors on the approved 6th Amendment. Ms. Yvonne Hovell was present and provided an update of the project. Commissioner Roberts noted the Resolution refers to the units as condominiums instead of townhomes. General Counsel Hartley stated he would change the Resolution to the correct classification of townhomes. After discussion, Commissioner Roberts moved to approve **Resolution No. 6061**, approving Revised 6th Amendment to Redevelopment Agreement with Tulsa Urban Development Group, LLC, d/b/a Urban8, LLC for the Redevelopment of TDA owned property located near Greenwood Avenue, between 2nd and 3rd Streets, Tulsa Oklahoma, subject to the revision of condominiums to townhomes. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

j. Discussion, consideration, and vote to enter into negotiations for sale of TDA owned properties located as follows:

Purchaser	Address	Sale Price	Deposit
Prince, Alfred J.	844 E. 51 st Pl. No.	\$8,000.00	\$400.00
Moses, Shamika	4949 N. Trenton	\$8,000.00	\$400.00
McClendon, Kevin	2033 E. Woodrow St.	\$6,500.00	\$325.00
Dickson, Willeka	312 E. Xyler St.	\$8,000.00	\$400.00
Jackson, Tianna	1310 N. Olympia	\$8,500.00	\$425.00
Offord, Angela D.	570 E. Queen St.	\$12,500.00	\$625.00
Jackson, Michael	210 E. 51 st Pl. No.	\$4,500.00	\$225.00
Green, David	2121 N. Garrison Pl.	\$6,500.00	\$400.00

Executive Director Walker requested the Board to authorize Executive Director and General Counsel to begin negotiations for the TDA owned properties. After discussion, Commissioner Bracy moved to approve **Resolution No. 6062**, authorizing negotiations with proposed purchasers for Sale and Redevelopment of Eight (8) properties. Vice Chairman Peters seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

4. 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. Discussion, consideration and vote to approve a Resolution authorizing to offer an amount in settlement of pending litigation with Gary Gammill resulting from alleged injuries and fall sustained at Precision Equity Apartment acquired by TDA as part of the Kendall-Whittier West Park project. [25 O.S. §307(b)(4) and §307(c)(10).]
- b. Confidential communication with Counsel regarding an update on the First Street Lofts project, located one-quarter mile east of Detroit Avenue and South 1st Street, (310 E. 1st Street) Tulsa, Oklahoma. [25 O.S. §307(b)(4) and §307(c)(10).]

Commissioner Roberts moved to go into Executive Session at 9:12 a.m., seconded by Commissioner Mitchell. The vote was recorded as follows:

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

The motion passed unanimously.

5. Vote to return to open session.

Commissioner Bracy moved to return to Open Session at 9:40 a.m., seconded by Vice Chairman Peters. The vote was recorded as follows:

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

The motion passed unanimously.

6. Statement of 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.

7. Discussion, consideration and vote on items discussed in Executive Session:

Executive Session Agenda Items:

4.a. – Gary Gammill Litigation

General Counsel Hartley requested the Board to approve a Resolution authorizing to offer an amount in settlement of pending litigation with Gary Gammill.

After discussion, Commissioner Roberts moved to approve **Resolution No. 6063**, approving Counter-Offer of Settlement of pending litigation in Case No. CJ-2013-851, Gary Gammill v. Tulsa Development Authority. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

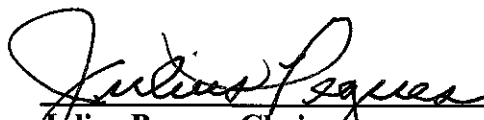
8. **Gather information for the purpose of developing a Strategic Plan for the Tulsa Development Authority – EverMore Services, LLC (Cynthia Stewart, owner):** Executive Director Walker introduced a board of panelists that participated in the session. The panelist includes: Gary Hamer, City of Tulsa, Grant Department; Reuben Gant, formerly with the Greenwood Chamber of Commerce; Kevin Anderson, OU Adjunct Professor and local real estate developer; Leon Davis, City of Tulsa Planning and Development Department; Norman Kildow and Steve Larry, City of Tulsa, Finance Department. Josh Miller could not attend the session due to a schedule conflict. The TDA Board discussed with Cynthia Stewart and the panelists current, new, and expanded revenue sources.
9. **New Business:** none.
10. **Adjournment:** Commissioner Bracy moved to adjourn the meeting at 11:51 a.m., seconded by Commissioner Mitchell. The vote was recorded as follows:

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

The motion passed unanimously.

Tulsa Development Authority

Approved as to legal form and adequacy:


Julius Pegues, Chairman


Jot Hartley, Esq., General Counsel

[2-12-2015 – Regular Meeting Minutes - (nb-jm)]