

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 –March 12, 2015

8:30 a.m.

Present:

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

Absent:

Steve Mitchell, Commissioner

Also Present:

Kevin Anderson
Stephen Carr
Andi Clinger
Andrew Coffey
Jim Coles
Leon Davis
Yvonne Hovell
Norman Kildow
Steve Larry

Also Present:

Dwayne Midget
Mike Thedford
Dennis Whitaker
NaTasha Bunch
Jane Malone
Carol Young

The regular meeting was called to order at 8:35 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, Commissioner Bracy, and Commissioner Roberts were in attendance. Commissioner Mitchell was absent. A quorum was present.
2. **Routine, Repetitive Items for Action:**
 - a. Minutes of February 5, 2015 Work Study Session
 - b. Minutes of February 5, 2015 Executive Session Meeting

- c. Minutes of February 12, 2015 Regular Meeting
- d. Minutes of February 12, 2015 Executive Session Meeting

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

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

The motion passed unanimously

- e. Tulsa Development Authority Financial Report for January 2015
- f. January 2015 – Comparative Financial Statements
- g. January 2015 – Program Income Report

Commissioner Roberts moved to accept the Tulsa Development Authority Financial Report for January 2015 and Comparative Financial Statements for January 2015, and approve **Resolution No. 6064**, approving payment of the January 2015 – Program Income Report, seconded by Commissioner Roberts. 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 to City of Tulsa in the amount of \$2,349.10 for services provided by the Planning and Development, Asset Management and Economic Development Departments during October through December 2014:** Executive Director Walker stated he had a meeting with Dawn Warrick, Director of Planning and Development to discuss the items on the invoice. Ms. Warrick agreed to reduce the amount of the invoice and is preparing another invoice. Executive Director Walker recommended the item be approved, subject to the amended amount in the Resolution. Vice Chairman Peters recommended postponing action on the item until the amended invoice is received. After discussion, Vice Chairman Peters moved to table approving payment of invoice from The City of Tulsa in the amount of \$2,349.10 for services rendered October 1 through December 2014. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- b. **Discussion, consideration, and vote to approve a Resolution authorizing a Letter of Support from Tulsa Development Authority for the Boston Avenue Multisport (BAM) project located between East 10th Street and East 12th Street, between Cincinnati Avenue and Boston Avenue, Tulsa, Oklahoma:** Executive Director Walker explained this is a request for a Letter of Support for the Developers in fundraising endeavors. Commissioner Roberts stated the language on the Resolution is not specific enough for support of the project. A discussion occurred regarding the proper language and General Counsel agreed to change the language. Vice Chairman Peters recommended postponing until TDA's Work Study Session in April. After discussion, Vice Chairman Peters moved to table until TDA's Work Study Session. Commissioner Bracy seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Roberts

Nays: None

The motion passed unanimously.

- c. **Discussion, consideration, and vote to approve a Resolution authorizing a Consulting Services Agreement between EverMore Services, LLC and Tulsa Development Authority to develop a Strategic Plan:** Executive Director Walker explained Ms. Cynthia Stewart is in Agreement to the terms of the Consulting Services Agreement. After discussion, Commissioner Bracy moved to approve Resolution No. 6065, authorizing a Consulting Services Agreement between EverMore Services, LLC and Tulsa Development Authority to develop a strategic plan. Vice Chairman Peters seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Roberts

Nays: None

The motion passed unanimously.

- d. **Discussion, consideration, and vote to authorize a Resolution approving Construction Documents together with a Redevelopment Agreement with Lamont Hawkins for City of Tulsa owned property located at 1980 North Hartford Avenue, Tulsa, Oklahoma. [Dirty Butter - Heritage Hills Extension.]:** Executive Director Walker explained the Construction documents meet the criteria and Mr. Lamont Hawkins is in Agreement with the terms of the Redevelopment Agreement. After discussion, Commissioner Bracy moved to authorize Resolution No. 6066, approving Redevelopment Contract and approving construction documents submitted by Lamont Hawkins for Redevelopment of City of Tulsa owned real property located at 1980 North Hartford Avenue, Tulsa, Oklahoma. Vice Chairman Peters seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Roberts

Nays: None

The motion passed unanimously.

- e. **Discussion, consideration and vote to authorize a Resolution approving Construction Documents submitted by Larry and Paula Tease for City of Tulsa owned property located at 1860 North Hartford Avenue, Tulsa, Oklahoma. [Dirty Butter – Heritage Hills Extension.]:** Executive Director Walker explained the Construction documents meet the criteria set forth in the Redevelopment Agreement. After discussion, Commissioner Roberts moved to approve **Resolution No. 6067**, approving Construction Documents submitted by Larry and Paula Tease for the City of Tulsa owned property located at 1860 North Hartford Avenue, Tulsa, Oklahoma. Vice Chairman Peters seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Roberts

Nays: None

The motion passed unanimously.

- f. **Discussion, consideration and vote to authorize a Resolution approving Construction Documents submitted by Michael Smith for City of Tulsa owned properties located at 1960 and 2020 North Hartford Avenue, Tulsa, Oklahoma. [Dirty Butter – Heritage Hills Extension.]:** Chairman Pegues stated Mr. Michael Smith did not submit the site plans in a timely manner; therefore, this item will be stricken from the Agenda.
- g. **Discussion, consideration, and vote to approve a Resolution authorizing a License Agreement with Tulsa Sports Commission to use TDA owned property for the Big XII baseball tournament to be held at ONEOK Field located as follows:**
- **Northwest corner of East Archer Street and North Elgin Ave.**
 - **Southeast corner of East Archer Street and North Greenwood Ave.**

General Counsel Hartley stated he was in communication with representatives for GreenArch and the Wilkins project regarding the use of the above mentioned properties. There are not any objections to the use of the property; however, Kajeer Yar, the representative for GreenArch requested the Tulsa Sports Commission contact him to coordinate the use of the property. General Counsel Hartley also stated the dates on the Resolution should reflect May 17 – 27th, 2015. After discussion, Vice Chairman Peters moved to approve **Resolution No. 6068**, approving a License Agreement with Tulsa Sports Commission for use of TDA owned real property located at the northwest corner of East Archer Street and North Elgin Avenue, and at the Southeast corner of East Archer Street and North Greenwood Avenue for the dates of May 17 – 27, 2015. Commissioner Roberts seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- h. Discussion, consideration, and vote to approve a Resolution authorizing an amendment to an existing Redevelopment Agreement between East End Village, LLC and TDA for property located at 401 and 405 South Elgin Avenue, 408 and 418 South Frankfort Avenue, 414 East 4th Street and 415 East 5th Street, Tulsa, Oklahoma:** Executive Director Walker explained the Redeveloper is requesting an extension until May 1, 2015 for completion of the project. After discussion, Commissioner Bracy moved to approve **Resolution No. 6069**, authorizing Fifth Amendment of Redevelopment Agreement with East End Village, LLC, for the Redevelopment of the Real Property. Vice Chairman Peters seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- i. Discussion, consideration, and vote to approve a Resolution authorizing Draw Request No. 7 from East End Village, LLC for properties located at 401 and 405 South Elgin Avenue, 408 and 418 South Frankfort Avenue, 414 East 4th Street and 415 East 5th Street, Tulsa, Oklahoma:** Executive Director Walker explained this is the Seventh (7th) Draw Request for East End Village for \$77,814.79 which represents 81% completion. After discussion, Commissioner Bracy moved to approve **Resolution No. 6070**, approving payment of Advance Number Seven to East End Village, LLC pursuant to the Redevelopment Agreement for the East End Village Project. Commissioner Roberts seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- j. Discussion, consideration, and vote to confirm payment issued in settlement of pending litigation with Gary Gammill resulting from alleged injuries and fall sustained at Precision Equity Apartments acquired by TDA as part of the Kendall – Whittier West park project, Tulsa Oklahoma:** General Counsel Hartley explained this is confirmation of payment already issued to Mr. Gary Gammill in the amount of \$8,000.00. After discussion, Commissioner Roberts moved to approve **Resolution No. 6071**, approving payment by TDA in a settlement of pending litigation in Case No. CJ-2013-851, Gary Gammill v. TDA. Commissioner Bracy seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Roberts

Nays: None

The motion passed unanimously.

- k. Discussion and consideration and vote to enter Agreements for sale of TDA owned properties located as follows:**

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

Executive Director Walker explained the Agreements with the homeowners are for a 2 year period to rehabilitate the property and pay off the sale price. He further explained Angela Offord is not included in the Resolution because the property she is purchasing is a vacant lot and requires a different Agreement. After discussion, Commissioner Bracy moved to approve **Resolution No. 6072**, authorizing Agreement for sale with proposed purchasers for Sale and Redevelopment of Seven (7) properties. Commissioner Roberts seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Roberts

Nays: None

The motion passed unanimously.

- l. Discussion, consideration, and vote to enter into a Special Projects Agreement to existing Services Agreement between the City of Tulsa and TDA for negotiation and administration of Redevelopment Agreement with River City Development, LLC and administration of City of Tulsa Downtown Development and Redevelopment Funds for the Meridia Apartments project located on the northwest corner of East 6th Street and Boston Avenue, Tulsa, Oklahoma.** Chairman Pegues stated the Agreement with the City of Tulsa for administration of Downtown Development and Redevelopment projects will be 2% of the amount of the \$4 million available in the funds. As the City of Tulsa approves projects, TDA will execute a contract with the Redeveloper and 2% of the project amount will be payable to TDA. A discussion occurred regarding the term date of the loans, and General Counsel Hartley recommended approving the Agreement subject to specification of the term dates for the loans. After discussion, Commissioner Roberts moved to approve **Resolution No. 6073**,

approving and authorizing execution of a Special Project Agreement as a supplement to the Services Agreement between the City of Tulsa and the Tulsa Development Authority for administration of the Downtown Development and Redevelopment Fund - Improve our Tulsa. Commissioner Bracy seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Roberts

Nays: None

The motion passed unanimously.

- m. Discussion, consideration, and vote to enter into a Redevelopment Agreement with River City Development, LLC and TDA for the redevelopment of the Enterprise Building as the Meridia Apartments located on the northwest corner of East 6th Street and Boston Avenue, Tulsa, Oklahoma for the Downtown Development and Redevelopment Fund.** General Counsel Hartley stated Andrea Clinger, Attorney for the Redeveloper was present and a copy of the Mortgage documents were provided to the Commissioners in draft form. General Counsel Hartley recommends approving the Resolution for Execution of the Redevelopment Agreement with River City Development, LLC, substantially in the form submitted. After discussion, Vice Chairman Peters moved to approve **Resolution No. 6074**, authorizing execution of Redevelopment Agreement with River City Development, LLC for the Redevelopment of real property located on the northwest corner of East 6th Street and Boston Avenue, Tulsa, Oklahoma. Commissioner Bracy seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Roberts

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. Confidential communication with Counsel regarding a Special Projects Agreement with City of Tulsa for negotiation and administration of Redevelopment Agreement with River City Development, LLC, and administration of City of Tulsa Downtown Development and Redevelopment Funds for the Meridia Apartments project located on the northwest corner of East 6th Street and Boston Avenue, Tulsa, Oklahoma. [25 O.S. §307(b)(4) and §307(c)(10).]
- b. Confidential communication with Counsel regarding a Subordination Agreement between First Street Lofts and TDA for property located at 310 East 1st Street South, Tulsa, Oklahoma. [25 O.S. §307(b)(4) and §307(c)(10).]

Commissioner Bracy moved to go into Executive Session at 9:41 a.m., seconded by Vice Chairman Peters. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Roberts

Nays: None

The motion passed unanimously.

5. Vote to return to open session.

Commissioner Bracy moved to return to Open Session at 10:19 a.m., seconded by Vice Chairman Peters. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Roberts

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:** none
8. **New Business:** Commissioner Bracy questioned the lack of activity at the Health Department located at 56th Street North and Martin Luther King Jr. Blvd., Chairman Pegues stated the Health Department failed to send programs to that particular facility which leads to under-utilization. Chairman Pegues stated the difference with the Tisdale Clinic located at 36th Street North and Hartford Avenue, is it is a specialty clinic which have patients referred to it; therefore, it is utilized. Executive Director Walker stated, Mr. Reggie Ivy, the Director of the


facility is participating in the Citizens Advisory Teams for the Sector Plan Update, and will pose the question to him at that time.

Executive Director Walker provided an update on the status of the Sector Plan Update process. The Citizens Advisory Team (CAT) members were approved by the Board. Houseal Lavigne will be in Tulsa the week of March 23, 2015 to conduct a series of workshops. Executive Director Walker extended an invitation to the Board to attend the workshops.

Executive Director Walker also provided an update on the Petrous Group project. A meeting was held on March 9, 2015 with the neighborhood association and the neighborhood association is opposed to building a Dollar General on the property.

9. **Adjournment:** The meeting adjourned at 10:31 a.m.

Tulsa Development Authority


Julius Pegues, Chairman

Approved as to legal form and adequacy:


Jot Hartley, Esq., General Counsel

[3-12-2015 – Regular Meeting Minutes - (nb-jm)]