

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 –May 14, 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
Linn Cain
Andi Clinger
Andrew Coffey
Leon Davis
Bob Eggleston
Reuben Gant
Jack Henderson
Norman Kildow
Mike Mantle

Also Present:

Alisia Myers
Corey Myers
Tina Patel
Ed Sharrer
Robert Skeith
Steven Watts
Kandy White
NaTasha Bunch-Everly
Jane Malone
Carol Young

The regular meeting was called to order at 8:31a.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 arrived at 8:38 a.m. A quorum was present.
- 2. Routine, Repetitive Items for Action:**

- a. Minutes of April 2, 2015 Work Study Session
- b. Minutes of April 2, 2015 Executive Session Meeting
- c. Minutes of April 9, 2015 Regular Meeting
- d. Minutes of April 9, 2015 Executive Session Meeting

Commissioner Bracy moved to approve the minutes, Agenda Items 2. a., 2.b., 2.c., and 2.d., seconded by Commissioner Roberts. 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 March 2015
- f. March 2015 – Comparative Financial Statements
- g. March 2015 – Program Income Report

Commissioner Bracy moved to accept the Tulsa Development Authority Financial Report for March 2015 and Comparative Financial Statements for March 2015, and approve **Resolution No. 6088**, approving payment of the March 2015 – 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 invoice from the City of Tulsa Finance Department for accounting services from January - March 2015:** Executive Director Walker stated this is a routine item. He recommended the item be approved as presented. After discussion, Vice Chairman Peters moved to approve **Resolution No. 6089**, approving payment of invoice from The City of Tulsa finance department in the amount of \$3,376.44 for services rendered January 1 through March 31, 2015. 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 declaring a forfeiture of certain Earnest Money Deposits from TDA's Community**

Development Block Grant (CDBG) Program Income account due to failure to complete redevelopment and/or abandonment and authorizing the transfer of said Ernest Money Deposits to the City of Tulsa's, Grants Administration Department: General Counsel Hartley explained the attachment detailing the entities and amounts were distributed in the Work Study packets. Counsel Hartley also explained there are two resolutions associated with this agenda item. The first resolution approves forfeiture of Good Faith/Earnest Money Deposits and Payments of CDBG program income to City of Tulsa from TDA Fund No. 5540 in the amount of \$4,415.00. After discussion, Commissioner Bracy moved to approve **Resolution No. 6090**, approving forfeiture of Good Faith/Earnest Money Deposits and payment of CDBG program income to City of Tulsa from TDA Fund No. 5540 in the amount of \$4,415.00. Commissioner Roberts seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

General Counsel Hartley explained the rationale for two separate resolutions; one refunds a deposit and the other forfeiture of deposits. The second resolution refunds the deposit to Missile Enterprises. After discussion, Commissioner Mitchell moved to approve **Resolution No. 6091**, approving refund of Good Faith/Earnest Money Deposit to Missile Enterprises from TDA Fund No. 5540 in the amount of \$1,160.00. 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.

Chairman Pegues recognized the attendance by City Councilor Jack Henderson.

- c. **Discussion, consideration, and vote to approve a Resolution authorizing the sale of TDA owned property located at 2833 East 41st Place North, Tulsa, Oklahoma to Imelda Rodriquez for lawn expansion:** Executive Director Walker stated the property is a vacant lot and the appraisal value is \$500.00. After discussion, Commissioner Roberts moved to approve **Resolution No. 6092**, approving contract with Imelda Rodriquez for the purchase of Real Property. 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 to approve a Resolution to enter into a License Agreement with Kendall Whittier Main Street regarding a "Tulsa Time" neon sign to be erected on the TDA owned parking structure located on the Southeast Corner of South Lewis Avenue and East Admiral Blvd., Tulsa, Oklahoma:** Executive Director Walker requested the Board approve the Resolution subject to Kendall Whittier raising funds, and receiving a Beautification grant. General Counsel Hartley stated he prepared a standard License Agreement. After discussion, Commissioner Mitchell moved to authorize **Resolution No. 6093**, approving a License Agreement with Kendall Whittier Main Street for use of TDA owned Real Property located on the southeast corner of South Lewis Avenue and East Admiral Boulevard, Tulsa, Oklahoma. Commissioner Bracy 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 to approve execution of a utility easement in favor of Public Service Company of Oklahoma as requested by Hartford Commons, LLC, Tulsa Urban Development Group, LLC (TUDG), d/b/a Urban8, and Tulsa Open Space Alliance (TOSA) on TDA owned property located East of South Greenwood Avenue, between East 2nd Street and East 3rd Street, Tulsa, Oklahoma:** General Counsel Hartley explained Tulsa Open Space Alliance consents to the utility easement and all parties are in agreement. After discussion, Commissioner Roberts moved to approve **Resolution No. 6094**, approving an underground right-of-way easement in favor of Public Service Company of Oklahoma for use of TDA owned real property located along south Greenwood Avenue between East Second Street and East Third Street, Tulsa, Oklahoma. 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 to enter into a Redevelopment Agreement with The Petrous Group for TDA owned property located East of Martin Luther King Jr. Blvd., between East Queen Street and East Reading Street, Tulsa, Oklahoma:** Chairman Pegues explained this item is also an Executive Session item for further discussion. Commissioner Bracy stated he would like to hear from both sides in open session and discuss in Executive Session. General Counsel Hartley explained the item constitutes Executive Session discussion under the Economic Development component. Executive Director Walker introduced

Mike Mantle, with Petrous Group. Mr. Mantle explained the interests of Petrous Group as a developer for Dollar General Stores. He also answered questions and concerns from the Board. Chairman Pegues introduced Councilor Jack Henderson. Councilor Henderson thanked the efforts of TDA for bettering the community, but expressed opposition of developing a Dollar General store at this location. Executive Director Walker introduced Corey and Alisia Myers, representatives with the Dunbar Neighborhood Association, who also expressed opposition. Kandy White, a concerned neighbor also expressed opposition to building a Dollar General at said location. Reuben Gant, a consultant working with Petrous Group, acknowledged the concerns for opposition, but stated statistics reflect developing a Dollar General will be economically beneficial. After discussion, Commissioner Mitchell moved to approve **Resolution No. 6095**, approving Redevelopment Contract with Petrous Group, Inc. for the sale and Redevelopment of Lots 8 through 15, Block 4, Dickason Goodman Addition, located at the Northeast Corner of Martin Luther King Jr. Boulevard and East Queen Street, Tulsa, Oklahoma. Commissioner Roberts second the motion. The vote was recorded as follows:

Ayes: Pegues, Roberts, and Mitchell

Nays: Peters and Bracy

The motion passed.

Commissioner Mitchell exited the meeting at 9:45 a.m.

- g. Discussion, consideration, and vote authorizing a Resolution approving hotel Schematic Drawings and Specifications from One Place Hospitality, LLC for property located on the Northwest Corner of West 3rd Street and South Cheyenne Avenue, Tulsa, Oklahoma:** General Counsel Hartley stated he met with the Attorney for the Redevelopers and noted the drawings and specifications do not include restaurant or retail components and they will not be a part of the design plans. After discussion, Commissioner Bracy moved to approve **Resolution No. 6096**, approving revised construction documents and specifications submitted by One Place Hospitality, LLC for the Redevelopment of Real Property. 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 authorizing a Resolution to enter into a Contract for Sale of Land for Private Redevelopment with One Place Hospitality, LLC for construction of a hotel on property located on the Northwest Corner of West 3rd Street and South Cheyenne Avenue, Tulsa, Oklahoma:** General Counsel Hartley explained he met with the Attorney for One Place Hospitality and revisions are necessary on the

Redevelopment Agreement. This item is also an Executive Session item and further discussion will occur in Executive Session.

- i. **Discussion, consideration, and vote to authorize a Resolution approving request from Gates Building, LLC for use of Brady District TIF funds for reimbursement of streetscape improvements in an amount not to exceed \$106,000.00:** Chairman Pegues stated this item is a request for expenditure in the Brady District TIF. After discussion, Vice Chairman Peters moved to approve **Resolution No. 6098**, authorizing expenditure of funds from Tax Increment District No. 1 (a/k/a Brady Village TIF) for purchase and installation of improvements located in the public right-of-way within the boundaries of the Brady Village TIF. 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 request to amend an existing Redevelopment Agreement between One Place SE, LLC and request for new Redevelopment Agreement with One Place Hospitality, LLC and TDA for property located on the Northwest Corner of East 3rd Street and South Cheyenne 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).]

Vice Chairman Peters moved to go into Executive Session at 9:55 a.m., seconded by Commissioner Bracy. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Roberts

Nays: None

The motion passed unanimously.

5. **Return to open session: Vice Chairman Peters moved to go return to open session at 10:57 a.m., seconded by Commissioner Bracy. 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, with the exception of Commissioner Mitchell. 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:**

4.b.i – One Place Hospitality

General Counsel Hartley explained Executive Session item 4.b.i and Regular Agenda item 3.h. are simultaneous and requested the Board to approve a Resolution approving a New and Additional Redevelopment Contract with One Place Hospitality subject to corrections from One Place Hospitality Attorney and with the condition of preparation and execution of a three party agreement between One Place Hospitality, One Place SE, and One Place Investment.

After discussion, Vice Chairman Peters moved to approve **Resolution No. 6097**, new and additional Redevelopment Contract with One Place Hospitality, LLC for the purchase and Redevelopment of Real Property located on the northeast corner of West 3rd Street and South Denver Avenue. Commissioner Bracy seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Roberts

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):**

Executive Director Walker requested to strike this item. Chairman Pegues stated to strike Item No. 8.

9. **New Business:** Vice Chairman Peters stated he will not be in attendance at the June Work Study Session. Commissioner Roberts stated she will not be in attendance at the July Work Study Session.
10. **Adjournment:** Commissioner Bracy moved to adjourn the meeting at 11:04 a.m. Commissioner Roberts seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Roberts

Nays: None

The motion passed unanimously.

Tulsa Development Authority

Approved as to legal form and adequacy:



Julius Pegues, Chairman



Jot Hartley, Esq., General Counsel

[5-14-2015 – Regular Meeting Minutes - (nbc-)]