

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 – June 11, 2015

8:30 a.m.

Present:

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

Absent:

Nancy Roberts, Commissioner

Also Present:

Kevin Anderson
Tom Baker
Linn Cain
Steve Carr
Andi Clinger
Andrew Coffey
Ryan Keith
Norman Kildow
Steve Larry
Jean Lu

Also Present:

Cynthia Stewart
Casey Stowe
NaTasha Bunch-Everly
Jane Malone
Carol Young

The regular meeting was called to order at 8:35a.m. by Chairman Pegues. Decisions will be made, votes and action taken. A quorum was established. The Agenda will be modified. Executive Session will be immediately following Roll Call. The agenda will be followed as modified. 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 Mitchell were in attendance. Commissioner Roberts was absent. A quorum was present.
- 2. 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 update on the First Street Lofts project, located one-quarter (1/4) mile East of Detroit Avenue, and South of 1st Street, (310 E. First Street) Tulsa, Oklahoma. [25 O.S. §307(b) (4) and §307(c) (10).]
- b. Confidential communication with Counsel regarding subsurface conditions on TDA property located near Hartford Commons. [25 O.S. §307(b) (4) and §307(c) (10).]
- c. Confidential communication with Counsel regarding annual evaluation of TDA Executive Director.

Commissioner Bracy moved to go into Executive Session at 8:36 a.m., seconded by Vice Chairman Peters. The vote was recorded as follows:

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

The motion passed unanimously.

3. Return to open session: Vice Chairman Peters moved to go return to open session at 9:12 a.m., seconded by Commissioner Bracy. The vote was recorded as follows:

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

The motion passed unanimously.

4. 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.

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

2.a. – First Street Lofts

General Counsel Hartley requests the TDA Board of Commissioners to authorize General Counsel to prepare an Agreement according to the Proposed outline with The Ross Group, and to also prepare a Letter of Intent for First Street Lofts.

After discussion, Vice Chairman Peters moved to approve **Resolution No. 6109**, authorizing negotiations with Ross Group, LLC and Michael Sager/First Street Lofts, LLC for Amendment and Restatement of Redevelopment Agreement between TDA and First Street Lofts, LLC. Commissioner Bracy seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Mitchell

Nays: None

The motion passed unanimously.

2.c. – Hartford Commons

General Counsel Hartley recommends the TDA Board authorize the Chairman to approve up to \$5,000.00 for site remediation for the project under contract with Tulsa Open Space Alliance (TOSA).

After discussion, Commissioner Bracy moved to approve **Resolution No. 6110**, authorizing and approving expenditure of funds for Site Remediation in an amount not to exceed \$5,000.00. Commissioner Mitchell seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Mitchell

Nays: None

The motion passed unanimously.

6. Routine, Repetitive Items for Action:

- a. Minutes of May 7, 2015 Work Study Session
- b. Minutes of May 7, 2015 Executive Session Meeting
- c. Minutes of May 14, 2015 Regular Meeting
- d. Minutes of May 14, 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 Mitchell. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Mitchell

Nays: None

The motion passed unanimously

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

Commissioner Bracy moved to receive the Tulsa Development Authority Financial Report for April 2015 and Comparative Financial Statements for April 2015, and approve **Resolution No. 6099**, approving payment of the April 2015 – Program Income Report, seconded by Commissioner Mitchell. The vote was recorded as follows:

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

The motion passed unanimously.

7. Receive, Discuss, and Vote:

- a. **Discussion, consideration, and vote to approve a Resolution authorizing payment of invoice from the City of Tulsa from January - March 2015:** Executive Director Walker stated this is a routine item. He recommended the item be approved as presented. After discussion, Commissioner Mitchell moved to approve **Resolution No. 6100**, approving payment of invoice from The City of Tulsa in the amount of \$1,965.90 for services rendered for the 3rd Quarter of Fiscal Year 2014-2015. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- b. **Discussion, consideration, and vote to approve a Resolution adopting TDA 2015 – 2016 Fiscal Budget:** Executive Director Walker stated the Proposed Budget was reviewed extensively at the Work Study Session and requests this item be approved as presented. After discussion, Vice Chairman Peters moved to approve **Resolution No. 6101**, approving Tulsa Development Authority Budget for Fiscal Year 2015 - 2016. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- c. **Discussion, consideration, and vote to approve a Resolution authorizing the Tulsa Technology TIF District to allow graphic signs to be installed on Tulsa Parking Authority (TPA) garages located within the Technology TIF District (Williams North Garage, South Garage and 100 West Boulder Garage), Tulsa, Oklahoma:** Executive Director Walker stated Tulsa Parking Authority proposed to update signage for parking garages in the Technology TIF and he answered questions from the Board. After discussion, Commissioner Bracy moved to approve **Resolution No. 6102**, approving expenditure of funds from the Tulsa Technology TIF for a graphics package for Tulsa Parking Authority owned facilities within the Technology TIF District. Commissioner Mitchell seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Mitchell

Nays: None

The motion passed unanimously.

- d. **Discussion, consideration, and vote to approve a Resolution authorizing the termination of a Contract for Sale of Real Estate between Tianna Jackson and TDA and forfeiture of good faith deposit for property located at 1310 North Olympia Avenue, Tulsa, Oklahoma:** Executive Director Walker stated the TDA office has not received a response from Tianna Jackson. TDA will put the house back on the market for the next Lot Draw. After discussion, Commissioner Mitchell moved to authorize **Resolution No. 6103**, approving Termination of Redevelopment Agreement and Forfeiture of Good Faith Deposit for TDA owned property located at 1310 N. Olympia Avenue, Tulsa, Oklahoma Vice Chairman Peters seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Mitchell

Nays: None

The motion passed unanimously.

- e. **Discussion, consideration and vote to authorize a Resolution approving a request from the City of Tulsa (Downtown Development and Redevelopment Fund Committee) to the TDA Board of Commissioners to assume responsibility for the negotiation and preparation of a Redevelopment Agreement [incorporating conditions and terms supplied by the City of Tulsa] with River City Development, LLC for the redevelopment of the Enterprise Building as the Meridia Apartments, located at 522 South Boston Avenue, Tulsa, Oklahoma.** Executive Director Walker stated this is the first project from the Downtown Development and Redevelopment Fund Committee, the loan is for \$1.3 million for 7 years. General Counsel Hartley stated the Special Projects Agreement was signed and TDA previously approved an Agreement with River City Development, LLC, subject to the terms and conditions of the City of Tulsa. Andi Clinger, Attorney for River City Development, answered

questions from the Board regarding the Tax Abatement Application. After discussion, Commissioner Bracy moved to approve **Resolution No. 6104**, accepting City of Tulsa-Downtown Development and Redevelopment Fund Committee request to negotiate and administer a Redevelopment Agreement with River City Development, LLC for Redevelopment of the Enterprise Building, 522 South Boston Avenue, Tulsa, Oklahoma. Vice Chairman Peters seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Mitchell

Nays: None

The motion passed unanimously.

- f. **Discussion, consideration and vote to authorize a Resolution authorizing a request from the City of Tulsa (Downtown Development and Redevelopment Fund Committee) to the TDA Board of Commissioners to assume responsibility for the negotiation and preparation of a Redevelopment Agreement [incorporating conditions and terms supplied by the City of Tulsa] with the Ross Group, LLC for redevelopment of the International Harvester Building, located on the Southeast Corner of East 2nd Street and South Frankfort Avenue, Tulsa, Oklahoma:** Executive Director Walker stated the loan is for \$700,000.00 and the term is for 5 years. Chairman Pegues stated the City of Tulsa set the terms and conditions of this project and River City Development. TDA will act as the implementation agent. After discussion, Commissioner Mitchell moved to approve **Resolution No. 6105**, accepting City of Tulsa - Downtown Development and Redevelopment Fund Committee request to negotiate and administer a Redevelopment Agreement with Ross Group, LLC for Redevelopment of the International Harvester Building, located on the southeast corner of East 2nd Street and South Frankfort Avenue, Tulsa, Oklahoma. Commissioner Bracy second the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Mitchell

Nays: None

The motion passed.

- g. **Discussion, consideration, and vote authorizing a Resolution approving an Agreement for Consent to Sell and Transfer of Land Subject to Contract for Sale of Land for Private Redevelopment between Tulsa, Development Authority, One Place SE, LLC, One Place Hospitality, LLC and One Place Investments, LLC for property located at the Northwest Corner of West 3rd Street and South Cheyenne Avenue, Tulsa, Oklahoma:** General Counsel Hartley stated this Agreement will link all the parties together. A new good faith deposit will be required and TDA will collect an administration fee of \$14,056.40. After discussion, Commissioner Mitchell moved to approve **Resolution No. 6106**, approving Agreement for Consent to Sell and Transfer Land, subject to Contract for Sale of Land and

Private Redevelopment between One Place, SE, LLC, One Place Investments, LLC, and One Place Hospitality, LLC for Purchase and Redevelopment of Property located at the Northwest Corner of West 3rd Street and South Cheyenne, Avenue, Tulsa, Oklahoma. Commissioner Bracy seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Mitchell

Nays: None

The motion passed unanimously.

- h. Discussion, consideration, and vote authorizing a Resolution approving amendment of an existing Redevelopment Agreement between East End Village, LLC and TDA 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 the Redeveloper requested an extension of the terms and conditions to allow time for completion of the project. The Redeveloper is requesting an extension until October 1, 2015. After discussion, Commissioner Bracy moved to approve **Resolution No. 6107**, authorizing Sixth (6th) Amendment of Redevelopment Agreement with East End Village, LLC for Redevelopment of 401 and 405 South Elgin Avenue, 408 and 418 South Frankfort Avenue, 414 East 4th Street, and 415 East 5th Street, Tulsa, Oklahoma. Commissioner Mitchell seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Mitchell

Nays: None

The motion passed unanimously.

- i. Discussion, consideration, and vote to authorize a Resolution to enter into a Redevelopment Contract with Nelson+Stowe Development LLC for TDA owned property located on the Southeast Corner of East 3rd Street and South Frankfort Avenue, Tulsa, Oklahoma:** Executive Director Walker stated Nelson+Stowe Development, LLC is in Agreement with the Redevelopment Contract and the project will have a sales tax increase. General Counsel Hartley stated the redeveloper agreed to continue to operate the project as commercial for 5 years. After discussion, Commissioner Mitchell moved to approve **Resolution No. 6108**, approving Contract for Sale of Land for Private Redevelopment with Nelson+Stowe Development LLC for the Sale and Redevelopment of TDA owned property located at the Southeast Corner of East 3rd Street and South Frankfort Avenue, Tulsa, Oklahoma. Commissioner Bracy seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, and Mitchell

Nays: None

The motion passed unanimously.

- j. **Discussion, consideration and vote to authorize a Resolution approving the 2015 Strategic Plan, created by EverMore Services, LLC.** Executive Director Walker thanked Ms. Cynthia Stewart for her efforts in preparing a Strategic Plan for TDA. Cynthia Stewart stated after comments are received from various stakeholders, she would prepare a final Strategic Plan to the Board for approval and implementation. She also suggested the Strategic Plan integrate 5 individual plans for execution which are: Operational Plan, Redevelopment Plan, Communication with Stakeholders Plan, Financial Plan, and Staff Development Plan. The Board decided to table action until the July meeting to allow time for stakeholder comments.

8. **New Business:** General Counsel Hartley stated the New Business concerning Hartford Commons was discussed in Executive Session and voted on in Open Session. Executive Director Walker stated pictures of the TDA Board will be taken on July 2, 2015.

9. **Adjournment:** Commissioner Bracy moved to adjourn the meeting at 9:48 a.m. Commissioner Mitchell seconded the motion. The vote was recorded as follows:

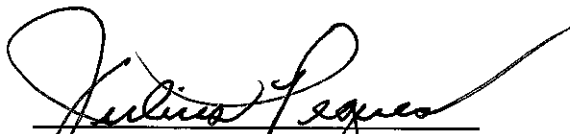
Ayes: Pegues, Peters, Bracy, and Mitchell


Nays: None

The motion passed unanimously.

Tulsa Development Authority

Approved as to legal form and adequacy:


Julius Pegues, Chairman


Jot Hartley, Esq., General Counsel

[6-11-2015 – Regular Meeting Minutes - (nbe-)]