

## 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 South Conference Room

Thursday – June 12, 2014

8:30 a.m.

#### Present:

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

#### Absent:

Carl Bracy, Commissioner

#### Also Present:

Kevin Anderson  
Andrew Coffey  
Leon Davis  
Norman Kildow  
Steve Larry

#### Also Present:

NaTasha Bunch  
Jane Malone  
Carol Young

**The regular meeting was called to order at 8:34 a.m. by Chairman Pegues. 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: A quorum was established.**
- 2. Routine, Repetitive Items for Action:**
  - a. Minutes of May 1, 2014 Special Meeting
  - b. Minutes of May 1, 2014 Special Meeting, Executive Session

Commissioner Roberts moved to approve the minutes, Agenda Items 2. a. and b.; seconded by Commissioner Mitchell. The vote was recorded as follows:

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

**The motion passed unanimously.**

- c. Tulsa Development Authority Financial Report for April 2014
- d. April 2014 - Comparative Financial Statements
- e. April 2014 – Program Income Report

- o Fund No. 5540

Commissioner Mitchell moved to approve **Resolution No. 5968**, approving Tulsa Development Authority Financial Reports for April 2014, Program Income Report for Fund No. 5540, and the Comparative Financial Statements. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

- 3. Receive: Executive Director’s Monthly Report.** Executive Director Walker highlighted the following items:

**a. Project Status Update**

**1. Blue Dome Anchor, LLC**

The property for purchase of the Hartford Building closed on June 9, 2014 in the amount of \$2.4 million. The Redevelopment plans are to develop a mixed-use commercial/retail/residential project. The site will be developed in two phases. Phase 1 includes the westerly vacant portion of the property and will entail construction of a new building for the general office/commercial/retail/restaurant and/or residential use. Phase 2 will include redevelopment of the Hartford Building. The first floor will be renovated for commercial/retail/restaurant use and the second floor will be renovated for rental apartments. [Location of the property: 110 North Greenwood.]

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

The property for the purchase of the Hartford Building closed on May 2, 2014 in the amount of \$175,859. Tulsa Industrial Authority’s Chairman, General Counsel, and Executive Director met with Urban8, LLC, and TOSA, Inc., to discuss a utility easement required to provide Oklahoma Natural Gas access to the site. It was later determined a utility easement is not required. Construction is to commence on June 16, 2014. [Location of the property: North of 3<sup>rd</sup> Street, between Greenwood Avenue and Kenosha Street.]

- Hartford Commons, LLC:** The representatives of Hartford Commons has been working with the Bank of Oklahoma regarding completion of the documentation process for funding and their response should be forthcoming. Hartford Commons and Urban8 are working together regarding the project site. TDK Construction Company was selected as the general contractor for

the project. The project is valued at \$21,700,000. [Location of property: SE corner of Greenwood Ave. and E. 2<sup>nd</sup> St.]

- **100 Boulder, formerly Maplevew Associates, Inc.:** Construction continues to progress. Rough framing of the first and second floor is complete. The contractor is in the process of roofing the structures. The Redeveloper indicated there is increased interest in the project. [Location of the property: SW Corner of 1<sup>st</sup> St. and Boulder Ave.]
- **Fire Station No. 1:** CORE is requesting an amendment to the Redevelopment Agreement to decouple Fire Station No. 1 and the parking lot located south and east of the site. This item will be discussed further in Executive Session. [Location of the property is 411 S. Frankfort Ave.]
- **Hogan on Greenwood, LLC:** Hogan on Greenwood closed on May 15, 2014, in the amount of \$1,300,000. Construction is scheduled to commence on July 1, 2014. A pre-development meeting with the City of Tulsa was held on May 13, 2014. [Location of property: NE Corner of South Greenwood Ave. and East 1<sup>st</sup> Street.]
- **Wilkins Project:** The Developers are currently working with site and civil design considerations. The Developer has scheduled a meeting with Marriott Officials on July 8-10, 2014 to finalize building design items including prototype improvements. Wilkins is working with construction companies to value engineering and budget estimates. The Developers are also working to finalize the Marriott franchise contract and expect to execute the contract by the end of June. Upon execution of the franchise contract, the design team will prepare a project delivery schedule and hold a design kick-off party. Tulsa Development Authority will participate in this process. The plan is for 94 hotel rooms and the balance of the project will include multi-family housing. [Location of property: NW corner of Archer and Elgin Ave.]
- **The Flats on Archer:** The project is slated to be a 58 unit, multi-family, Class "A" housing project, with underground parking. The challenges with the project have been with the results of the environmental survey. The challenges include a shallow water table and the depth of drilling piers. The water table and drilling piers were affecting the foundation design of the project. The best solution to overcoming the challenges require installing a French-Drain component. The design should be completed in the near future. The exterior design work is being completed by the Project Architect. Once the building material has been determined, the Flats on Archer will present the information to the Tulsa Development Authority Board of Commissioners for approval. Construction is set to begin on July 15, 2014. [Location of property: 110 N. Boston Ave.]
- 2. **Zoning Code Update:** The next meeting will be held on June 17, 2014 to review the updates to the City of Tulsa Zoning Code. The purpose of the meeting is to discuss remaining portions of Chapter 55 - Parking, review and to discuss Chapters 1-50 made in response to input from the April meeting,

review the track changes version of the document showing exactly what has changed, review the clean version of the same document. Review and discuss revisions to the former "SA" Special Area Overlay, which is now referred to as a "Plan District". The proposed revision also includes a new Accessory Dwelling Unit (ADU) overlay. Review and discuss form-base code focusing on key differences between the approaches and new zoning code's proposed mixed use zoning.

3. **Sector Plan Update:** The Tulsa Development Authority Board of Commissioners has selected Houseal Lavigne Associates to perform the Sector Plan update. The goal is to have the Agreement in place by August 2014. General Counsel Hartley stated he is attempting to merge the RFP, the RFP Response, and the Service Agreement used for PlaniTulsa into the Agreement for Houseal Lavigne. After the Draft Agreement is constructed, Counsel will present the Agreement to Houseal Lavigne and City of Tulsa Staff for review, consideration, and approval before presenting to the Tulsa Development Authority Board for Approval.
4. **Southwest National Association of Housing and Redevelopment Officials:** The Southwest Conference is scheduled to take place in Tulsa, Oklahoma from June 22-24, 2014. Tulsa Development Authority has been asked to facilitate a tour of multi-family housing developments in Tulsa on June 23, 2014. Tulsa Development Authority has solicited the services of 918 Shuttle for a cost of \$491.50. It was also suggested that Tulsa Development Authority provide refreshments during the tour. Commissioner Bracy and Executive Director Walker will attend the conference and facilitate the tour. Invitations are extended to all Commissioners to attend the Conference and/or the Bus Tour.
5. **Service Agreement between the City of Tulsa and Tulsa Development Authority:** Tulsa Development Authority received a letter dated March 28, 2014 from the City of Tulsa Planning and Development Department. Attached was a draft Service Agreement, with exhibits, based on the current working relationship between the City of Tulsa and Tulsa Development Authority. The Agreement has been restructured from the original document that was framed several years ago. The updated Agreement has been streamlined to clearly outline roles and responsibilities of both agencies. Tulsa Development Authority's Chairman, General Counsel, and Executive Director met with City of Tulsa staff on April 15, 2014 to discuss the Service Agreement.
6. **Dirty Butter-Heritage Hills Extension:** All seven (7) lots sold and owners are beginning to bring in plans and schematics, as well as financing documentation. A discussion ensued regarding the development plans of the homeowners.

Commissioner Peters moved to accept the Executive Director's report, seconded by Commissioner Roberts. The vote was recorded as follows:

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

**The motion passed unanimously.**

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

- a. Discussion, consideration and vote to approve a Resolution authorizing a Budget Amendment to TDA Fund No. 3101:** Norman Kildow provided an explanation of the significance of increasing the budget. The Commissioners discussed seeking estimates from approved vendors before issuing cleanup requests. An estimate from an approved vendor will take 48 hours at the most, which provides time before Nuisance and Abatement fines are imposed. Commissioner Peters moved to approve **Resolution No. 5969**, a budget amendment for Tulsa Development Authority Fund No. 3101 for fiscal year 2013-2014. Commissioner Roberts seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

- b. Discussion, consideration and vote to approve a Resolution authorizing the Fiscal Budget for 2014 - 2015:** Norman Kildow provided an overview of the Budget for Funds 3101, 3104, and 3116. The Commissioner's questioned if a budget increase would be necessary to accommodate the Service Agreement with the City of Tulsa and vegetative control. Chairman Pegues stated the budget could be amended at the July 2014 Board Meeting. After discussion, Commissioner Mitchell moved to approve **Resolution No. 5970**, approving Tulsa Development Authority Budget for Fiscal Year 2014-2015. Commissioner Peters seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

- c. Discussion, consideration and vote to approve a Resolution for Partial Release of Covenant to Festival Park located at River Parks West Trail, Tulsa, Oklahoma:** General Counsel Hartley explained the need to execute the Partial Release of Covenant. After discussion, Commissioner Peters moved to approve **Resolution No. 5971**, to execute documents to Release Covenants contained in previous Special Warranty Deeds from Tulsa Development Authority for properties located in Westbank, an addition to the City of Tulsa, Tulsa, Oklahoma. Commissioner Mitchell seconded the motion. The vote was recorded as follows:

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

**Nays: None**

**The motion passed unanimously.**

**d. Discussion, consideration and vote to approve a Resolution approving Draw Request No. 2 from East End Village, LC to TDA for the Downtown Housing Fund for the East End Village located at 401 and 405 S. Elgin Avenue, 408 and 418 S. Frankfort Avenue, 414 East 4<sup>th</sup> Street and 415 East 5<sup>th</sup> Street, Tulsa, Oklahoma:** Executive Director Walker explained this is the second draw request from East End Village. The project is 39% complete and continuing to move forward. After discussion, Commissioner Peters moved to approve **Resolution No. 5972**, payment of Advance No. 2 to East End Village, LLC pursuant to the Redevelopment Agreement for the East End Village Project. Commissioner Mitchell seconded the motion. The vote was recorded as follows:

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

**Nays: None**

**The motion passed unanimously.**

**5. 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 Ogan's Circle development located south of Virgin Street between Osage Prairie Trail and Lansing Avenue, Tulsa, Oklahoma. [25 O.S. §307(b)(4) and §307(c)(10)]
- b. Confidential communication with Counsel regarding a Redevelopment Agreement between CORE and Associates, LLC and TDA for City of Tulsa owned property located on the southeast corner of 4<sup>th</sup> Street and Frankfort Avenue, Tulsa, Oklahoma, a/k/a Fire Station No. 1. [25 O.S. §307(b) (4) and §307(c) (10)]
- c. Confidential communication with Counsel regarding an Agreement for Services between Houseal Lavigne, Associates and TDA for the Sector Plan update. [25 O.S. §307(b) (4) and §307(c) (10)]

- d. Confidential communication with Counsel regarding a personal injury claim filed by Gary Gammil, a tenant of Precision Equity Apartments, as part of the Kendall – Whittier West Park project. [25 O.S. §307(b) (4) and §307(c) (10)]

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

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

**The motion passed unanimously.**

**6. Vote to return to open session.**

Commissioner Mitchell moved to return to Open Session at 9:46 a.m., seconded by Commissioner Peters. The vote was recorded as follows:

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

**The motion passed unanimously.**

7. **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.**

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

**Executive Session Agenda Items:**

5. a. - After discussion, Commissioner Peters moved to approve **Resolution No. 5973**, Declaring Default Pursuant to Contract for Sale of Land for Private Redevelopment with Redia, Inc., for property platted as Ogan's Circle Subdivision and located South of Virgin Street between Osage Prairie Trail and Lansing Avenue, Tulsa, Oklahoma. Commissioner Mitchell seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

5. b. – After discussion, Commissioner Mitchell moved to approve **Resolution No. 5974**, the Third Amendment to Redevelopment Agreement with Core Associates, LLC for the Redevelopment of City of Tulsa owned property located

at 411 S. Frankfort Avenue, Tulsa, Oklahoma. Commissioner Peters seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

**9. New Business:**

**Inactive TIF Funds:** General Counsel Hartley explained this item is in New Business because the figures to complete the Resolution were not received until after the agenda was filed. After discussion, Commissioner Peters moved to approve **Resolution No: 5975** authorizing a Budget Amendment to transfer remaining TIF balances from Inactive Projects and return the funds to unobligated cash status within the respective TIF districts for redistribution for new TIF projects. Commissioner Mitchell seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

Chairman Pegues discussed a Plat Dedication on Stand Pipe Hill in memory of the 1921 Race Riot.

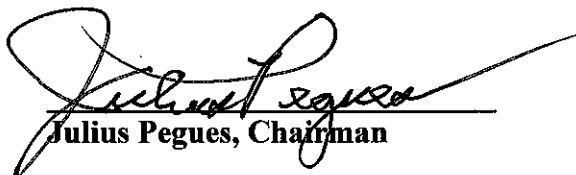
Executive Director Walker was asked by the Board to coordinate the July Work Study Meeting date. The Board Members stated they would not be able to attend the scheduled July 3, 2014 Work Study Meeting. Executive Director Walker was also asked to coordinate dates for the August 2014 Strategic Planning Meeting.

- 10. Adjournment:** Commissioner Peters moved to adjourn the meeting at 9:58 a.m., seconded by Commissioner Roberts. The vote was recorded as follows:

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

**The motion passed unanimously.**

**Tulsa Development Authority**

  
**Julius Pegues, Chairman**

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

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