

## 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 North Conference Room

Thursday – June 2, 2016

8:30 a.m.

#### Present:

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

#### Absent:

Steve Mitchell, Vice Chairman  
Nancy Roberts, Commissioner

#### Also Present:

Kevin Anderson  
Clay Bird  
Linn Cain  
Jim Coles  
Lucy Dolman  
Jim East  
Brian Elliott  
Steve Ganzkow  
Derek Gates  
Doug Hammel  
Bob Jack  
Preston Jones  
Norman Kildow  
Hugh Long

#### Also Present:

Jean Lu  
Mike McCroskey  
Julie Miner  
Mark Petrich  
Gary Schellhorn  
David Sharp  
Marvin Shirley  
John Snyder  
Tom Todd  
Dawn Warrick  
Pat Williams  
NaTasha Bunch-Everly  
Jane Malone

**The regular meeting was called to order at 8:30 a.m. by Chairman Peters. 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 Peters, Commissioner Pegues, and Commissioner Bracy were present. Vice Chairman Mitchell and Commissioner Roberts were absent. A quorum was present.

**2. Routine, Repetitive Items for Action:**

- a. Minutes of May 5, 2016 Regular Meeting
- b. Minutes of May 5, 2016 Executive Session Meeting

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

**Ayes: Peters, Pegues, and Bracy**

**Nays: None**

**The motion passed unanimously**

**3. Executive Director's Monthly Report- A copy of this report was included in the Commissioner's packets. Copies of the Report were available at the table in the rear of the room.**

**1. Project Status Update**

**B. The Edge at East Village (Hartford Commons, LLC):**

The Redeveloper has received the Certificate of Occupancy for the Clubhouse, Leasing Office, and 3 model units. The Leasing Office opened Monday, May 23, 2016.

**C. Fire Station No. 1 - CORE Associates, LLC:**

The property closed on April 15, 2016. TDA will remit all proceeds to City of Tulsa, less TDA expenses. This is an Agenda item for today to remit funds to the City of Tulsa.

**E. East End Village:**

On April 15, 2016, the City of Tulsa issued a Certificate of Occupancy indicating the project met all the building and code requirements. There is \$12,000.00 still available for the Redeveloper to draw down.

**H. The Meridia, LLC - City Development LLC:**

This is an Agenda item for today for the Second Draw Request.

**2. Drexel Academy**

The principles indicated to Executive Director Walker, another location has been found at 36<sup>th</sup> Street North and Martin Luther King Jr. Blvd.

**3. Emerson Elementary School**

This project has been placed on hold. Representatives with Tulsa Public Schools is meeting with UCAT representatives. The parties are continuing to discuss a land lease instead of land transfer.

**5. Sector Plan Update**

Doug Hammel, representative with Houseal Lavigne, is present today to provide a status update. This is also an Agenda item for today.

**Executive Director's report was accepted by the Board.**

**4. Staff Reports and Discussion – City of Tulsa (C.O.T.)**

**a. TIF Report Update – Mike Thedford: A copy of the report is included in the Commissioner's packets:**

- **Blue Dome Lighting Project: Fund No. 6967** – Mr. Mike Thedford was not present. His report stands as presented. Project should have Mylar within two weeks of this report and advertise for a bid within a month. Fixtures on Elgin, between 1<sup>st</sup> Street and railroad tracks has bid and a PO number has been issued for purchase of the lights. Contractor will be ready for installation as soon as lights are delivered. Lights should be delivered in six to eight weeks.
- **Proposed streetscape improvements to Cameron Street: Fund No. 6963** – Plans are being finalized for bidding. Estimated overall costs is approximately \$380,000.00. A formal request for TDA to approve the expenditure is on the Agenda for today. Estimated completion of the project is October 2016.
- **Elgin streetscape improvements: Fund No. 6967** – No new information.

**b. North Peoria TIF Update – Derek Gates: A copy of the report is included in the Commissioner's packets:** Mr. Derek Gates is seeking approval for Phase 1 of the Lacy Park Improvements Plan. He explained the major portion of the requested \$545,000.00 is for improvements to the Lacy Park Pool. Mr. Gary Schellhorn with the City of Tulsa Engineering Services stated the total project pool project is \$3,600,000.00. Mr. Derek Gates also stated a community meeting was held on May 19, 2016 to discuss projects outside of Lacy Park, but still within the boundaries of the TIF. At the meeting, Mr. Gates explained that an RFQ has been issued for the lights on North Peoria. Mr. Gates also stated he is continuing efforts to reach individuals with ideas and capital to bring ideas to fruition to increase economic impact in the area. Chairman Peters suggested Mr. Gates reach out to the Chamber to solicit help in marketing North Tulsa. After discussion, Commissioner Bracy moved to approve **Resolution No. 6219**, approving expenditure of North Peoria TIF funds in the amount of \$545,000.00. Commissioner Pegues seconded the motion. The vote was recorded as follows:

**Ayes: Peters, Pegues, and Bracy**

**Nays: None**



See discussion of consolidated case above.

**Other:**

▪ **Novus Homes (Wilkins)**

At the April 2016 Board meeting, the Board proceeded with termination of Redevelopment Contract. Counsel for the Redevelopers has submitted three letters objecting to TDA's action and requesting a response. A letter was prepared in response by TDA's General and Special Counsel. The letter was sent on May 19, 2016. This is an Agenda item for the Executive Session today and further discussion will occur at that time.

**7. Discussion, consideration, and vote to accept Financial Reports**

**Chairman Peters congratulated Norman Kildow on his accomplishment of Certified Public Finance Officer.**

- a. **April 2016 - Income and Expenditure Report - included in the Commissioner packets:** Norman Kildow provided an updated report and an overview of the Income and Expenditure Report to the Commissioners and answered questions.
- b. **Comparative Financial Statements - included in the Commissioner's packets:** Norman Kildow provided an updated report, gave an overview of the Comparative Financial Statements, and answered questions from the Board.

After discussion, Commissioner Pegues moved to accept the Financial Report for April 2016 and Comparative Financial Statements for April 2016, and approve **Resolution No. 6220**, seconded by Commissioner Bracy. The vote was recorded as follows:

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

**The motion passed unanimously.**

- c. **Remit proceeds from the sale of Fire Station No. 1, located at 411 South Frankfort Avenue, Tulsa, Oklahoma:** Norman Kildow stated the figures changed minimally because of a final bill submission after preparation of the paperwork. The amended figures are included in the Commissioner's packets.

After discussion, Commissioner Pegues moved to approve **Resolution No. 6221**, approving payment of net proceeds from sale of Fire Station No. 1 Real Property to Big Mo, LLC – 411 South Frankfort Avenue, Tulsa, Oklahoma. Commissioner Bracy seconded the motion. The vote was recorded as follows:

**Ayes: Peters, Pegues, and Bracy**

**Nays: None**

**The motion passed unanimously.**

- d. Annual Budget for 2016 - 2017:** Norman Kildow provided and gave an overview of the Annual Budget for 2016 - 2017, and answered questions from the Board.

After discussion, Commissioner Pegues moved to approve **Resolution No. 6222**, approving Tulsa Development Authority Budget for Fiscal Year 2016 -2017. Commissioner Bracy seconded the motion. The vote was recorded as follows:

**Ayes: Peters, Pegues, and Bracy**

**Nays: None**

**The motion passed unanimously.**

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

- a. Discussion, consideration, and vote to approve a Resolution authorizing the expenditure of Brady District TIF funds in the amount of \$380,000.00 for streetscape improvements on the South side of East Cameron Street, between North Detroit Avenue and North Cincinnati Avenue, Tulsa, Oklahoma:** Executive Director Walker stated this Agenda item was tabled last month and is reappearing before the Board this month for approval. Marvin Shirley, a representative with the Brady District Home Owners Association, stated this request is for a connector between John Hope Franklin Reconciliation Park and the Guthrie Green. After discussion, Commissioner Pegues moved to approve **Resolution No. 6223**, approving TIF Grant Application Number 7 – request to fully fund the streetscape costs of materials, construction and engineering 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 of Cameron Street, between Detroit Avenue and Martin Luther King Jr. Blvd., Tulsa, Oklahoma. Commissioner Bracy seconded the motion. The vote was recorded as follows:

**Ayes: Peters, Pegues, and Bracy**

**Nays: None**

**The motion passed unanimously.**

- b. Discussion, consideration, and vote to approve a Resolution authorizing the expenditure of Brady District TIF funds for the development of a sculpture in the Vest Pocket Park located North of East Archer Street, between North Main Street and North Boulder Avenue, Tulsa, Oklahoma:** Executive Director Walker stated this Agenda item was also

tabled last month and is reappearing before the Board this month for approval. After discussion, Commissioner Pegues moved to approve **Resolution No. 6224**, approving TIF Grant Application Number 8 – request to provide funding from Tax Increment District No. 1 (a/k/a Brady Village TIF) for installation of sculptures and associated improvements located in and upon the Vest Pocket Park located on East Archer Street, between North Main Street and North Boulder Avenue, Tulsa, Oklahoma. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

- c. **Discussion, consideration, and vote to enter into a Redevelopment Agreement with James Zeigler for TDA owned property located at 765 East Tecumseh Street, Tulsa, Oklahoma:** Executive Director Walker stated this is a remnant piece of property south of Ogan’s Circle, and this request is to enter into a Redevelopment Agreement with James Zeigler. After discussion, Commissioner Pegues moved to approve **Resolution No. 6225**, approving Redevelopment Contract with James Zeigler for the purchase of 765 E. Tecumseh Street, Tulsa, Oklahoma. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

- d. **Discussion, consideration, and vote to approve a Resolution authorizing the Seventh Draw Request from TDL NOW, LLC for the YMCA project located at 515 South Denver Avenue, Tulsa, Oklahoma:** Executive Director Walker stated there was an article on the YMCA in last week’s newspaper, and the article is included in the Commissioner’s packets. Mr. Bob Jack and Mr. John Snyder provided updates on the YMCA and Hartford Building projects. General Counsel Hartley stated, the draw request being made today is a combination of two draw requests, one request is for \$87,500.00 and the second is for \$175,000.00. After discussion, Commissioner Pegues moved to approve **Resolution No. 6226**, approving payment of Advance Number Seven in the amount of \$262,500.00 to TDL NOW, LLC pursuant to Redevelopment Agreement for the YMCA Lofts Project, a/k/a YMCA Building Project – 515 South Denver Avenue, Tulsa, Oklahoma. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

- e. **Discussion, consideration, and vote to approve a Resolution authorizing the Second Draw Request from The Meridia, LLC in accordance with the terms and conditions of the Downtown Development Redevelopment Fund Committee for property located at 522 South Boston Avenue, Tulsa, Oklahoma:** Executive Director Walker stated this request is for \$260,000.00 which reflects 30% completion. He also stated the aggregate total is \$390,000.00. After discussion, Commissioner Bracy moved to approve **Resolution No. 6227**, approving payment of Advance Number Two to The Meridia, LLC, pursuant to the Redevelopment Agreement for The Meridia Project. Commissioner Pegues seconded the motion. The vote was recorded as follows:

**Ayes: Peters, Pegues, and Bracy**

**Nays: None**

**The motion passed unanimously.**

**Commissioner Bracy moved to go into Executive Session at 10:03 a.m., seconded by Commissioner Pegues. The vote was recorded as follows:**

**Ayes: Peters, Pegues, and Bracy**

**Nays: None**

**The motion passed unanimously.**

8. **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 TDA General Counsel regarding an existing Redevelopment Agreement between Tulsa North Development Corporation (TNCDC) for TDA owned property located on the Northeast corner of East Latimer Street and North Main Street, Tulsa, Oklahoma. [25 O.S. §307(b) (4) and §307(c) (10).]



- b. Confidential communication with Counsel regarding the status of the Redevelopment Agreement dated June 30, 1986 between the University Center at Tulsa and the Tulsa Development Authority. [25 O.S. §307(b) (4) and §307(c) (10).]
- c. Confidential communication with Counsel regarding request from Redeveloper for arbitration of Redeveloper's objection to termination of the Contract for Sale of Land for Private Redevelopment dated April 13, 2013, as amended, between William (Will) Wilkins, Cecilia Wilkins, Novus Homes, LLC and W3 Development, LLC, (Redeveloper) and the Tulsa Development Authority and retention of special counsel for TDA. [25 O.S. §307(b) (4) and §307(c) (10).]
- d. Confidential communication with Counsel regarding a proposal for the loan of TDA unrestricted funds in support of the purchase of real property and subsequent redevelopment to support an economic development initiative impacting the development of Downtown Tulsa, Oklahoma. [25 O.S. §307(b) (4) and §307(c) (10).]
- e. Confidential communication with Counsel regarding Section 5(c) Construction Financial Documents for the Boxyard, LLC Project located at 301 South Frankfort Avenue, Tulsa, Oklahoma. [25 O.S. §307(b) (4) and §307(c) (10).]
- f. Confidential communication with Counsel regarding TDA annual evaluation of the TDA Executive Director.

**10. Vote to Return to Open Session:** Commissioner Bracy moved to return to open session at 11:23 a.m., seconded by Commissioner Pegues. The vote was recorded as follows:

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

**The motion passed unanimously.**

**11. Statement of the 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.

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

**9.a. TNCDC** – Approve or Deny request for reconsideration of previous denial. After discussion, Commissioner Pegues moved to approve **Resolution No. 6228**, denying request to reconsider previous denial of request for extension of Redevelopment Contract with Tulsa North Community Development Corporation for the Redevelopment of TDA owned property located at the Northeast corner of East Latimer Street and North Main Street, Tulsa, Oklahoma, seconded by Commissioner Bracy. The vote was recorded as follows:

**Ayes: Peters, Pegues, and Bracy**

**Nays: None**

**The motion passed unanimously.**

**9.d. Downtown Development** – Approve or Deny preparation of loan and Redevelopment documents. After discussion, Commissioner Bracy moved to approve **Resolution No. 6229**, directing TDA Executive Director and General Counsel to prepare Loan and Redevelopment Agreement documents for the Redevelopment of Real Property located on North Main Street, Tulsa, Oklahoma, seconded by Commissioner Pegues. The vote was recorded as follows:

**Ayes: Peters, Pegues, and Bracy**

**Nays: None**

**The motion passed unanimously.**

**9.e. Boxyard Project** – Approve Construction Financial Documents. After discussion, Commissioner Pegues moved to approve **Resolution No. 6230**, approving Construction Financial Documents pursuant to the terms and conditions of a Contract for Sale of Land for Private Redevelopment and Redevelopment Agreement with Nelson+Stowe Development, LLC/Tulsa Boxyard, LLC for the Redevelopment of 301 South Frankfort Avenue, known as the Boxyard Project, seconded by Commissioner Bracy. The vote was recorded as follows:

**Ayes: Peters, Pegues, and Bracy**

**Nays: None**


**The motion passed unanimously.**

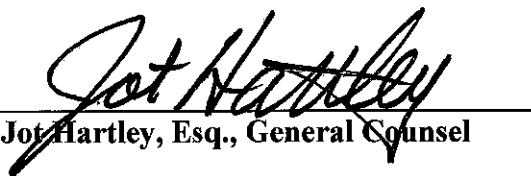
**13. New Business:** Commissioner Bracy attended the John Hope Franklin Conference on behalf of TDA, and the conference was enjoyable.

14. **Adjournment:** Chairman Peters adjourned the meeting at 11:28 a.m.

**Tulsa Development Authority**

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

  
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**Roy Peters Jr., Chairman**

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

[6-2-2016 – Regular Meeting Minutes - (nbe-)]