

## 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 – August 13, 2015

8:30 a.m.

#### Present:

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

#### Absent:

#### Also Present:

Kevin Anderson  
Drew Awsumb  
Andi Clinger  
Andrew Coffey  
Leon Davis  
Missy Kruse  
Michelle Lester  
Jean Lu  
Matt Mardis  
Bob Martin  
Ray Meldrum  
Matt Newman

#### Also Present:

Eric Richards  
John Snyder  
Buddy Steproff  
Steven Watts  
Dennis Whitaker  
Cecilia Wilkins  
Will Wilkins  
NaTasha Bunch-Everly  
Jane Malone  
Carol Young

**The regular meeting was called to order at 8:36 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, Vice Chairman Mitchell, Commissioner Pegues, Commissioner Bracy, and Commissioner Roberts were in attendance. A quorum was present.
- 2. Routine, Repetitive Items for Action:**

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

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

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

**The motion passed unanimously**

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

Commissioner Pegues moved to accept the Tulsa Development Authority Financial Report for June 2015 and Comparative Financial Statements for June 2015, and approve **Resolution No. 6119**, approving payment of the June 2015 – Program Income Report, seconded by Vice Chairman Mitchell. The vote was recorded as follows:

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

**The motion passed unanimously.**

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

- a. **Discussion and consideration to receive an update from Houseal Lavigne Associates for Tulsa Development Authority Sector Plan updates for the Kendall – Whittier Area neighborhood and the North Tulsa Sector:** Executive Director Walker stated the Kendall Whittier meeting on Tuesday was well attended. Chairman Peters and Commissioner Roberts attended the meeting and were pleased with the attendance. Executive Director Walker stated the meeting for the North Tulsa Sector plan is tonight at 6:30 p.m. at Morton Health Center. Drew Awsumb, a representative with Houseal Lavigne, presented a Power Point Presentation of the status of the Sector Plans Update. The Commissioner's requested a hard copy of the presentation and a project timeline, from Drew Awsumb.
  
- b. **Discussion, consideration, and vote to approve a Resolution to enter into a Contract with Daryl Johnson for the sale of TDA owned property located at 1310 North Olympia Avenue, Tulsa, Oklahoma:** Executive

Director Walker requested this item be stricken from today's Agenda and placed on the September TDA Agenda.

- c. **Discussion, consideration, and vote to approve a Resolution to enter into a Contract with Carl Stevenson for the sale of TDA owned property located at 1807 North Owasso Avenue, Tulsa, Oklahoma:** Executive Director Walker explained Mr. Carl Stevenson is prepared to move forward with the Contract. Mr. Stevenson wants to acquire the vacant lot for lawn expansion and has agreed to the Fair Market value of \$5,500.00. After discussion, Vice Chairman Mitchell moved to approve **Resolution No. 6120**, approving Redevelopment Contract with Carl Stevenson for the purchase of Real Property – 1807 North Owasso Avenue, Tulsa, Oklahoma. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

- d. **Discussion, consideration, and vote to approve a Resolution to transfer ownership from TDA to the City of Tulsa for Remnant properties located within the Inner Dispersal Loop (IDL), Downtown Tulsa, Oklahoma:** Executive Director Walker explained the properties are remnants and introduced Ray Meldrum, a representative from the Asset Management Department for the City of Tulsa. Ray Meldrum stated the only property the City of Tulsa is interested in having deeded back to the City is the Lindsey Addition property. The Lindsey Addition property is an Asset to the City because of the sidewalks. The City of Tulsa does not want the additional three (3) properties. Chairman Peters suggested tabling this Agenda item until after a consensus can be reached regarding the disposition of the properties.
- e. **Discussion, consideration and vote to approve a Resolution authorizing negotiations with the City of Tulsa to enter into a Services Agreement for the acquisition and relocation services for the Elm Creek/6<sup>th</sup> Street Drainage, Detention and Conveyance Plan, Tulsa, Oklahoma:** General Counsel Hartley stated this is a request to enter into negotiations for a Special Services Agreement with the City of Tulsa. After discussion, Commissioner Pegues moved to approve **Resolution No. 6121**, approving and authorizing negotiation of a Special Projects Agreement between the City of Tulsa and the Tulsa Development Authority for acquisition and relocation services for the Elm Creek/6<sup>th</sup> Street Drainage, Detention and Conveyance Plan. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

- f. **Discussion, consideration, and vote to approve a Resolution authorizing amendment to a Redevelopment Agreement between The Flats on Archer, LLC and TDA for property located on the Northwest Corner of East Archer Street and North Boston Avenue, Tulsa, Oklahoma, (110 North Boston Avenue):** Executive Director Walker stated Sam Combs submitted plans to the Board of Commissioners at the Work Study Meeting. General Counsel Hartley stated the Fourth Amendment changes the parking from on-site to off-site parking. After discussion, Commissioner Pegues moved to approve **Resolution No. 6122**, approving Fourth Amendment to Redevelopment Agreement with the Flats on Archer, LLC for the Redevelopment of TDA owned property located at 110 North Boston Avenue, Tulsa, Oklahoma. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

- g. **Discussion, consideration, and vote authorizing a Resolution approving a request from TDL NOW, LLC for the YMCA Lofts Project to obtain a first mortgage financing, subject to certain limitations as to amount and subordination Documents, for property located on the Northeast Corner of East 6<sup>th</sup> Street and South Denver Avenue, Tulsa, Oklahoma (515 South Denver Avenue):** Executive Director Walker stated there is no new information since the Work Study meeting; however, Mr. John Snyder was present and provided a status update on the project. He stated a \$7,000,000.00 loan is being sought to complete the project. Mr. Snyder answered questions and concerns from the Board of Commissioners. After discussion, Commissioner Pegues moved to approve **Resolution No. 6123**, approving execution of Subordination Agreement for refinancing of Senior Indebtedness, TDL Now, LLC – YMCA Lofts Project. Vice Chairman Mitchell seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

- h. **Discussion, consideration, and vote to approve a Resolution receiving Schematic Drawings from CORE Associates, LLC for the redevelopment of City of Tulsa owned property located at 411 South Frankfort Avenue, Tulsa, Oklahoma (Fire Station No. 1):** Executive Director Walker stated the schematics were submitted at the Work Study Meeting. Mr. Eric Richards was present to answer questions and concerns from the Board of Commissioners. After discussion, Commissioner Pegues moved to approve **Resolution No. 6124**, approving schematic plans submitted by CORE Associates, LLC for the Redevelopment of City of Tulsa owned property located at 411 South Frankfort Avenue, Tulsa,

Oklahoma. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

- i. **Discussion, consideration, and vote to authorize a Resolution approving a request to enter into a Redevelopment Agreement and accepting Schematic Drawings for IH Landlord, LLC from the City of Tulsa's (Downtown Development and Redevelopment Fund Committee) to the TDA Board of Commissioners for the redevelopment of the International Harvester Building, located on the Southeast Corner of East 2<sup>nd</sup> Street and South Frankfort Avenue, Tulsa, Oklahoma (510 East 2<sup>nd</sup> Street):** Executive Director Walker stated the project is over 50% complete and is in conjunction with the Downtown Development and Redevelopment Fund. General Counsel Hartley stated this Agreement is different. There will be one draw at the end of the completion. After discussion, Commissioner Bracy moved to approve **Resolution No. 6125**, approving Redevelopment Agreement with IH Landlord, LLC and Approving Schematic Plans for the Redevelopment of Real Property located at 510 East 2<sup>nd</sup> Street, Tulsa, Oklahoma. Commissioner Pegues seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

- j. **Discussion, consideration, and vote to approve a Resolution authorizing a request to amend an existing Contract for Sale of Land for Private Redevelopment between One Place SE, LLC and TDA for property located on the Northeast Corner of South Denver Avenue and West 3<sup>rd</sup> Street South, Tulsa, Oklahoma:** General Counsel Hartley stated communication has not been received from the Counsel for the Redeveloper and suggested striking the item from today's Agenda.
- k. **Discussion, consideration, and vote to return the University of Tulsa Good Faith deposit in the amount of \$112,500.00 for the purchase of TDA owned properties in Downtown Tulsa:** Commissioner Pegues provided a history of the property and the subsequent sale of the property since the University of Tulsa terminated the Contract. General Counsel Hartley stated TDA would not be setting a precedent by returning the deposit to TU because TDA did not suffer damages from TU terminating the Contract for the property. Counsel Hartley also stated, there is not a legal prohibition to return the money, nor is TDA legally obligated to return the money, after expenses TDA incurred is deducted. After discussion, Commissioner Pegues moved to approve **Resolution No. 6126**, authorizing refund of Good Faith Deposit retained upon termination of Redevelopment Contract with the University of

Tulsa for the purchase and Redevelopment of the Real Property. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

- l. Discussion, consideration, and vote to approve a Resolution to amend an existing Redevelopment Agreement between First Street Lofts, LLC and TDA for property located at 310 East 1st Street, Tulsa, Oklahoma:** General Counsel Hartley explained there a few details to secure with the Developers, but the Developers are in Agreement with the Redevelopment Agreement. General Counsel Hartley recommends approving the Agreement substantially in the form presented to allow for additional edits. Chairman Peters recommended meeting with the Developers quickly to finalize the Agreement. After discussion, Vice Chairman Mitchell moved to approve **Resolution No. 6127**, approving and authorizing execution of the Eighth Amendment to the Redevelopment Agreement between the Tulsa Development Authority and the First Street Lofts, L.L.C. Commissioner Roberts seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

- m. Discussion, consideration, and vote to approve a Resolution authorizing an amendment to a Redevelopment Agreement between William (Will) Wilkins, Cecilia Wilkins, Novus Homes, LLC and W3 Development for the Towne Place Suites project located on the Northwest Corner of East Archer Street and North Elgin Avenue, Tulsa, Oklahoma:** General Counsel Hartley stated the Fifth Amendment extends the deadlines to allow additional time for the Redeveloper to submit Financial Construction Documents. The deadlines will be extended for an additional 90 days. After discussion, Commissioner Pegues moved to approve **Resolution No. 6128**, approving Fifth Amendment to Redevelopment Contract with William Wilkins, Cecilia Wilkins, Novus Homes, LLC, and W3 Development for the Redevelopment of TDA owned property located at the Northwest corner of Elgin Avenue and Archer Street, Tulsa, Oklahoma. Vice Chairman Mitchell seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

- n. Discussion, consideration, and vote to approve a Resolution authorizing acceptance of the Five Year Report 2010 – 2015, prepared by The Write Company (Missy Kruse):** Ms. Missy Kruse thanked the Board for the

opportunity to prepare the Five Year Report. Ms. Kruse stated the report is extensively detailed and recommended the Board provide an Annual Report every two years. The Board of Commissioner's thanked Missy Kruse and her partner, Annette Overlease, for the preparation of the report. After discussion, Commissioner Pegues moved to approve **Resolution No. 6129**, approval and adoption of the Five Year Report 2010 - 2015 for the Tulsa Development Authority prepared by the Write Company. Vice Chairman Mitchell seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

- o. Discussion, consideration, and vote to approve a Resolution authorizing the consolidation of TDA monthly meeting format:** Chairman Peters suggested this item to be added to today's Agenda and he proposes consolidating the two TDA meetings into one meeting per month. Chairman Peters stated the one meeting format will be more efficient and allow Developers and TDA staff more time to prepare for the meeting. Consolidating the meetings will also allow the TDA Board of Directors the ability to hear an item and take action. Commissioner Bracy expressed concerns regarding preparation time, but is in favor of being more efficient and is willing to try. Commissioner Roberts supports improving efficiency and recommended allowing a trial period for 6 months to work out the kinks. Vice Chairman Mitchell stated the stakeholders are required to attend two meetings per month and consolidating to one meeting will allow opportunities for out-of-town developers to participate in TDA activities. Commissioner Pegues stated developers are not required to attend two meetings - only one meeting per month, but is willing to try one meeting per month. General Counsel Hartley stated if approved, the notices and calendar will need to be changed. After discussion, Vice Chairman Mitchell moved to approve **Resolution No. 6130**, approving consolidation of Tulsa Development Authority Board Meeting Schedule for September 2015 to January 2016. Commissioner Roberts seconded the motion subject to the Resolution reflecting the new calendar dates. The vote was recorded as follows:

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

**The motion passed unanimously.**

- 4. New Business:** Commissioner Bracy noted today's meeting was less than one hour.
- 5. Adjournment:** Chairman Peters adjourned the meeting at 9:32 a.m.

**Tulsa Development Authority**

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



**Roy Peters Jr., Chairman**



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

{8-13-2015 – Regular Meeting Minutes - (nbe-)