

**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 – September 7, 2017

9:00 a.m.

**Present:**

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

**Absent:**

**Also Present:**

Roger Acebo  
Tom Baker  
Brian Beam  
Ken Brune  
G.T. Bynum  
Linn Cain  
Robert Catcher  
David Charney  
Leslie Christopher  
Jim Coles  
Leon Davis  
Mike Dickerson  
Ward Duckett  
Captola S. Dunn  
J Malcolm Dunn  
Steve Ganzkow  
Derek Gates  
Regina Goodwin  
Jennifer Griffin  
Vanessa Hall-Harper  
Ross Heyman  
Preston Jones  
Charles Johnson

**Also Present:**

Norman Kildow  
Steve Larry  
Mike Mantle  
John Matheson  
Dwain Midget  
Rhett Morgan  
Lottie Nealy  
Charles Okyere  
Nathan Pickard  
Mary Rand  
Dan Roberts  
Floyd Roberts  
Della Shaw  
Kathy Taylor  
Lacey Taylor  
Mike Thedford  
Sherlyne Turner  
Dawn Warrick  
Dennis Whitaker  
NaTasha Bunch  
Jane Malone  
Carol Young

**The Regular Meeting was called to order at 9:01 a.m. by Chairman Peters. Decisions will be made, votes and action taken. 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 present. A quorum was present.
- 2. Routine, Repetitive Items for Action:**
  - a. Minutes of August 3, 2017 Regular Meeting
  - b. Minutes of August 3, 2017 Regular Executive Session Meeting

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

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

**The motion passed unanimously**

- 3. Tribute to Commissioner Julius Pegues:** Chairman Peters recognized and welcomed Mayor Bynum and City Council Chairperson Anna America. Mayor Bynum and Council Chairperson America presented Commissioner Pegues with a Joint Proclamation from the Mayor's Office and the City Council. Mayor Bynum also presented Commissioner Pegues with a key to the City. Chairman Peters provided a brief history of the various Board and Services Commissioner Pegues volunteered with. Commissioner Pegues thanked Mayor Bynum, Council Chairperson America, and the TDA Board. He stated it is an honor to serve the City of Tulsa.

**Chairman Peters recognized the presence of Commissioner Roberts's husband, Dan Roberts.**

- 4. 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**

- A. Morton's Reserve, d/b/a Pine Place Development, LLC:**

On August 3, 2017, the TDA Board of Commissioners reviewed and approved Resolution No. 6361, approving Schematic Plans, Drawings, and Specifications submitted by Morton Reserve Properties, LLC. This is an Executive Session Agenda item today.

- B. Peoria Realty Investments, Inc.:**  
On August 3, 2017, the TDA Board of Commissioners reviewed and approved Resolution No. 6362, approving the First Amendment to Contract for Acquisition and Sale of Land for Private Redevelopment of privately owned land. The terms and conditions of the Redevelopment Agreement is on today's Executive Session Agenda for discussion.
- C. Dollar General Store/Rupe Helmer Group:**  
This is an Executive Session Agenda item to discuss the approval of Financial Documents submitted by Rupe Helmer Group for the purchase of the property. The final building permit has been issued and the Redeveloper is ready to proceed to closing.
- D. Ogan's Circle/Capital Homes, LLC:**  
The first two homes are scheduled to close in September. Capital Homes is working with several prospects who are improving their credit score in order to purchase a home soon. Capital Homes is also working with City Officials on finalizing landscape easement.
- E. East Latimer Lots/Capital Homes, LLC:**  
Capital Homes, LLC is working with the City of Tulsa and INCOG to revise zoning to conform to the vision of the proposed project. The Redeveloper is creating a marketing plan for the commercial/mixed-used corner.
- F. The Flats on Archer:**  
This is an Agenda item today for the First Draw Request.
- G. Blue Dome Anchor, LLC:**  
The TDA Chairman, Executive Director, and Roger Acebo toured the project. The Redeveloper is still in lease term negotiations with one potential tenant and will keep TDA updated on the status of the other tenants. The schedule for the next 3 months include: window installation, façade resurfacing, painting, and HVAC.
- H. First Street Lofts/Jacobs Lofts:**  
The TDA Chairman, Executive Director, and Roger Acebo toured the completed project. Jacobs Lofts is still under a Temporary Certificate of Occupancy. Once TDA receives the Certificate of Occupancy, we will dovetail that process with a Certificate of Completion.
- I. The Village at Central Park:**  
Pearl Development – Met with the Redeveloper on Thursday, August 10, 2017, to discuss the status of the project and the possible use of Central Park TIF funds. The Redeveloper will need to determine the final scope of the project. That will determine how much assistance will be needed to complete the project. TDA's General Counsel will identify what items are eligible to be financed by the Central Park TIF. The City of Tulsa's

Mayor's Office of Economic Development will review the financials to determine the amount of assistance the City may be able to provide.

**J. VCP, LLC (Sam Rader):**

The Redeveloper is completing the HVAC work and installation. Construction should be completed before December 2017.

**K. Carland Group:**

TDA's General Counsel has written a response to the July 10, 2017 Carland Group response to TDA's May 19, 2017 Notice of Default Letter. This item will be discussed in Executive Session.

**L. Block 44:**

A meeting was held on August 31, 2017 between TDA and the Ross Group to discuss the Terms and Conditions of the proposed Redevelopment Agreement for Block 44.

**M. Annual Report 2017:**

TDA will enter into an Agreement for Services with the Write Company and Overlease Design to update the 2017 annual report. The total cost is \$8,400.00.

**N. Dirty Butter – Heritage Hills:**

Two properties are on the Agenda today. Mr. and Mrs. Tease are requesting an extension to complete the project. Mr. and Mrs. Roberts are interested in purchasing a lot and entering into negotiations with TDA.

Executive Director Walker announced the passing of former TDA Chairman and Commissioner Millard House. Mr. House served on the TDA Board from 1978 – 1994. A Resolution was sent to the family on behalf of TDA.

Executive Director Walker responded to comments and concerns from the Board members. After discussion, Commissioner Roberts moved to accept TDA's Executive Director Report for September 2017. 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**

**5. Presentation from the University of Notre Dame Graduate Urban Design Studio. The Study Area is an extension of the Unity Heritage Neighborhoods Plan and the area is bounded by the following:**

**South: I-244**

**North: East Pine Street**

**West: L.L. Tisdale Expressway**

**East: HWY 75**

Executive Director Walker introduced Ms. Jennifer Griffin, a representative working with The University of Notre Dame Graduate Urban Design Studio. Ms. Griffin stated the team is comprised of graduate students that are working on a semester long project. The team will focus on the southern portion of the Unity Heritage Sector Plan. The team will arrive in Tulsa next Saturday and will hold several workshops to gain community participation. At the end of the semester, the team will return to Tulsa and present a final presentation. Ms. Griffin presented a presentation of previous projects completed by The University of Notre Dame Graduate Design Studio. Chairman Peters requested a project status update in October or November.

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

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

- **Blue Dome Lighting Project: Fund No. 6967** – Approximately 150 lights throughout Blue Dome District. Engineering Design – Mayor signed the Contract. Met with Crossland Construction on July 19, 2017 to review color implementation and pricing. An official color has been selected, the cost for the color change order is \$29,859.24. The additional funding falls within the TDA Board approved budget. Construction commenced on Friday, August 25, 2017. The first phase is on the northeastern portion of the Blue Dome District, along 1<sup>st</sup> Street.
- **Proposed streetscape improvements to Cameron Street: Fund No. 6963** – Streetscape enhancements meeting Brady District Standards - The project is complete and will be removed from the monthly report.
- **Brady District Streetscape Improvements: Fund No. 6963** – Streetscape Enhancements matching Downtown Streetscape Master Plan guidelines. Revised plans for Main Street Phase are complete, budget amendment approved and project was bid on Friday, August 11, 2017. The low bidder was Magnum Construction. A detailed Staff Report is included for this Agenda item today.
- **TDA – Lansing Center: Roof/Gutter Work** – Received 3 bids for down spouts. After qualifications on materials, the low bid was \$3,300.00, and the quote was provided for signature. Down spouts have been installed. Further repair is being assessed on north and west parapets. Roofing – Awaiting report from manufacturer’s warranty inspection. Continuing repairs made under warranty. Still pending final warranty determination from GAF (manufacturer). It has been determined that one leak is due to the installation of an HVAC roof top unit. Currently, we are pursuing a fix to be done by the responsible contractor.

- b. North Peoria TIF Update – Derek Gates: A copy of the report is included in the Commissioner’s packets:** Mr. Derek Gates thanked Commissioner Pegues for his service. Mr. Gates provided an update on the North Peoria TIF and the available funds is approximately \$2,600,000.00. A portion of that is reserved for the Morton Hospital Project and the Save-A-Lot grocery store. A meeting was held with TDA, Lisa Simpson, a City of Tulsa Traffic Engineer, and PSO representatives to discuss possible arrangements for obtaining maintenance and operational costs to support the lighting going in on North Peoria, between East Pine Street and East Apache Street. Executive Director Walker stated a funding mechanism has not been identified to maintain the lights. Chairman Peters stated we would find a way to fund the electrical costs and maintenance of the lights, because the community requested lighting. Mr. Gates reiterated that lighting is the most important, expected, and required request from the Community. General Counsel Hartley stated, TIF funds cannot be used unless the language in the TIF is amended to include maintenance and operational costs.
- c. Quarterly TIF Reports – Jim Coles: A copy of the report is included in the Commissioner’s packets:** Mr. Jim Coles provided a suggestion of creating an Improvement District to maintain the lights to be installed on North Peoria. He stated TIF districts provide funding for capital projects, such as installation of lights, while the Improvement District can provide funding for maintenance of the capital projects. Mr. Coles provided a report of the TIF Districts, stating all the TIF Districts have expired; however, funds are still available. Discussions are occurring regarding a new TIF District for the 36<sup>th</sup> Street North area. Commissioner Bracy congratulated Jim Coles on his new position as Director of the Tulsa Industrial Authority.
- d. Elm Creek/6<sup>th</sup> Street Drainage Detention and Conveyance Plan – Roger Acebo: A copy of the report is included in the Commissioner’s packets:** Roger Acebo gave an update regarding the relocation efforts in the 6<sup>th</sup> Street Infill Project. He provided a list of Elm Creek Properties that should be transferred back to the City of Tulsa. After discussion, Commissioner Roberts moved to approve Resolution No. 6365, authorizing transfer of title to TDA owned property to the City of Tulsa – Property located in the Elm Creek/Pearl District Neighborhood, City of Tulsa. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously**

## 7. General Counsel

- a. **Pending Litigation Report was included in the Commissioner packets:** General Counsel Hartley provided the monthly pending litigation report and Counsel Hartley reported that any changes or new items are indicated in “**BOLD**” print. He also provided a status and overview of the report.

### Lien Foreclosure:

- **Alpine Roofing, LLC v. MGT Construction Management, East End Village, LLC; Larson Development, TDA and others:**  
Defendant FE-NIX Construction Group, LLC was granted permission and has filed an Amended Counterclaim and Cross-Claim which named TDA in the Cross-Claim. TDA Counsel has prepared and filed an Answer asserting TDA’s priority over Defendant FE-NIX’s claims. Defendants Ark Wrecking and Prestige Builders have filed motions to Amend Counterclaims and Cross-Claims. Case remains pending. A pre-trial conference is scheduled for today.

### Breach of Contract and Lien Foreclosure Counterclaims:

- **East End Village, LLC v. MGT Construction Management, Inc., et al:**  
See discussion of consolidated case above.

### Other:

- **Novus Homes (Wilkins).**  
Arbitration hearing has been continued and will now commence on November 7, 2017. General Counsel for TDA has filed a Motion for Summary Judgment which, if granted will cancel the Arbitration hearing.

### **Hall-Harper et. al v. TDA**

Hearing scheduled on August 31, 2017 was continued to September 27, 2017. This is an Executive Session Agenda item and will be discussed at that time.

## 8. Discussion, consideration, and vote to accept Financial Reports

- a. **July 2017 - 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 and Comparative Financial Statements for July 2017 and, **Resolution No. 6366**, approving TDA Financial Report for July 2017, and the Comparative Financial Statement, seconded by Commissioner Roberts. The vote was recorded as follows:

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

**Nays: None**

**The motion passed unanimously.**

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

- a. **Discussion, consideration, and vote to approve a Resolution donating TDA funds for construction of the Ellis Walker Woods Memorial to be located North of the intersection of North Greenwood Avenue and John Hope Franklin Blvd., Tulsa, Oklahoma:** Executive Director Walker stated the request is for funds to help build the Ellis Walker Woods Memorial. Commissioner Pegues provided a brief history of Booker T. Washington High School and Ellis Walker Woods, the first Principal of the school. Ellis Walker Woods was Principal at Booker T. Washington High School from 1913 – 1948, and was a community activist. Commissioner Pegues introduced Ms. Captola Dunn, representative of the Ellis Walker Woods Memorial Committee. Ms. Dunn introduced Joseph Dunn and Ward Duckett, as additional representatives. She provided a brief history of the Committee, Ellis Walker Woods, and stated the memorial will be placed in the area of the original Booker T. Washington High School, at the intersection North Greenwood Avenue and John Hope Franklin Boulevard. The Hille Foundation will oversee construction of the project. After discussion, Vice Chairman Mitchell moved to approve **Resolution No.6367**, approving a donation of funds for construction of the Ellis Walker Woods Memorial to be located North of the intersection of North Greenwood Avenue and John Hope Franklin Blvd., 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.**



- b. **Discussion, consideration, and vote to approve entering into an Agreement with Floyd Roberts and Kuma Roberts, for the purchase of TDA owned property located at 1980 North Hartford Avenue, Tulsa, Oklahoma:** Executive Director Walker stated this property is one of the Dirty Butter – Heritage Hills lots and the fair market value is \$12,000.00. After discussion, Vice Chairman Mitchell moved to approve **Resolution No. 6368**, approving contract for the Sale of Land for Private Redevelopment of TDA owned lot located at 1980 North Hartford Avenue, 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.**

- c. **Discussion, consideration, and vote to consider approving an amendment to the Redevelopment Agreement between TDA and Larry Tease and Paula Tease, for the purchase and redevelopment of property located at 1860 North Hartford Avenue, Tulsa, Oklahoma:** Executive Director Walker stated the Tease's closed on their loan two weeks ago and are requesting an extension of time to complete the project to be in compliance with the terms of the Redevelopment Agreement. After discussion, Commissioner Pegues moved to approve **Resolution No. 6369**, approving extending the time to complete the project located at 1860 North Hartford Avenue, Tulsa, Oklahoma. Commissioner Roberts 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 approving the TDA Board of Commissioners to enter into a Redevelopment Agreement with First Place, LLC to administer the Downtown Development and Redevelopment Fund loan in the amount of \$1,670,000.00 and redevelopment of real property located at 419 South Main Street, Tulsa, Oklahoma:** Mr. Jim Coles stated, TDA administers the Downtown Development and Redevelopment Fund. The terms of the Agreement were negotiated and agreed upon by Mayor Bynum. Mayor Bynum stated the development will be a significant benefit to the area. After discussion, Vice Chairman Mitchell moved to approve **Resolution No. 6370**, approving a revised Redevelopment Agreement with First Place, LLC for the Redevelopment of real property located at 419 South Main 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.**

- e. **Discussion, consideration, and vote to select lowest and best bid and enter into Negotiations for the Main Street Streetscaping Project located on North Main Street, between Cameron Street and Brady Street, Tulsa, Oklahoma. The respondents are as follows:**

Crossland Heavy Contractors, Inc.	\$549,300.00
Daris Contractors	\$517,711.00
Magnum Construction	\$410,000.00

Executive Director stated three (3) responses were received for the project. Mr. Mike Thedford stated Magnum Construction was the lowest and best bid. Mr. Thedford responded to questions and concerns from the Board. After discussion, Vice Chairman Mitchell moved to approve **Resolution No. 6371**, selecting bid of Magnum Construction, Inc. in response to Request for Bids for the Main Street Streetscaping Project and authorize negotiations for contract for installation of improvements on North Main Street, between Cameron Street and Brady 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.**

- f. **Discussion, consideration, and vote to release a Request for Proposals (RFP) for Downtown Housing Funds for Residential Development within Tulsa, Oklahoma:** Chairman Peters stated no vote will be taken today on this Agenda item, this is an opportunity to discuss and review the RFP. He also stated there is \$1,000,000.00 available in the Downtown Housing Funds and several developers are interested in applying for funds. The Commissioners discussed the need for affordable housing in Tulsa, not only downtown Tulsa. General Counsel Hartley suggested broadening the scope to include areas outside of the IDL to capture affordable housing. Ms. Kathy Taylor suggested including mixed-income housing in the RFP. Chairman Peters encouraged the audience to review the RFP online and provide feedback to the TDA office.
- g. **Discussion, consideration, and vote to approve a Resolution for preparation of establishing a preliminary budget and authorization for the TDA Executive Director to employ appropriate professional and support staff for the creation of the Tulsa Development Authority Sector Plans for the following:**

**i. The Crutchfield Area Neighborhood**

The southern boundary is the Burlington Northern/Santé Fe Railroad Tracks; the Eastern boundary is Utica Avenue; the Northern boundary is Pine Street and the Western Boundary is I-75.

**ii. Elm Creek Area Neighborhood**

Beginning at the intersection of the south right-of-way line of 11th Street and the west right-of-way line of I-44; thence west along said south right-of-way line to the east right-of-way line of St. Louis Avenue; thence north along said east right-of-way line to the north right-of-way line of 7th Street; thence west along said north right-of-way line to the east right-of-way line of Rockford Avenue; thence north along said east right-of-way line to the north right-of-way of Admiral Boulevard; thence west on said north right-of-way line to the west right-of-way of I-244; thence southerly along said west right-of-way line to the point of beginning; said area referred to as the Existing Downtown Neighborhood Sector.

**iii. Elm Creek Proposed Expanded Area Boundary**

Beginning at the intersection of the east right-of-way line of St. Louis Avenue and the south right-of-way line of 11th Street; thence north along said east right-of-way line to 7th Street; thence west along said north right-of-way line to the east right-of-way line of Rockford Avenue; thence north along said east-right-of-way line to the north right-of-way of Admiral Boulevard; thence east on said north right-of-way line to the east right-of-way line of Utica Avenue; thence south on said east right-of-way line to the south right-of-way line of 11th Street; thence west on said south right-of-way line to the point of beginning; said area referred to as the Proposed Addition to the Downtown Neighborhood Sector.

**iv. Crosbie Heights Neighborhood**

Southern right-of-way line of US 412 East and South 25th West Avenue; thence east to the west right-of-way line of Interstate 244 (IDL); thence south and parallel to the IDL to West 7th Street; Thence southerly, parallel to St. Louis – San Francisco Railway Rail line to the North bank of the Arkansas River south of West 11th Street, Westerly to South Quanah Avenue; thence north along South Quanah Avenue to West 7th Street, thence north along the eastern boundary of Newblock Park to Charles Page Blvd.; thence westerly along Charles Page Blvd.; thence westerly on Newblock Park Drive to South 25th West Avenue; thence to the point of the beginning.

Executive Director Walker stated creating additional Sector Plans around the IDL to support the Small Area Plans will allow opportunities for

affordable housing development in the areas. The areas will include, The Crutchfield Area Neighborhood, Elm Creek Area Neighborhood, Elm Creek Proposed Expanded Area Boundary, and the Crosbie Heights Neighborhood. Executive Director Walker also stated, these Sector Plans will be on a much smaller scale than the recently adopted Unity Heritage and Kendall-Whittier Sector Plans. Ms. Dawn Warrick stated, opening a Request for Proposals (RFP) will assist with the Small Area Plans and will also allow for refinement of the plans. She also stated, a list of qualified vendors that has been vetted by the City of Tulsa will be provided to TDA. After discussion, Commissioner Pegues moved to approve **Resolution No. 6372**, approving preparation of Preliminary Budget and scope of work for preparation and adoption of the City of Tulsa Sector Plans for the Crutchfield Area Neighborhood, Elm Creek Area Neighborhood, Elm Creek Proposed Expanded Area Boundary and Crosbie Heights Neighborhood, 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.**

- h. Discussion, consideration, and vote to approve the First Draw Request from The Flats on Archer, for Redevelopment of property located at 110 North Boston Avenue, Tulsa, Oklahoma:** Executive Director Walker stated this is the First Draw Request for The Flats on Archer. The project is approximately 18% complete and the request is for \$142,425.00. After discussion, Commissioner Roberts moved to approve **Resolution No. 6373**, approving payment of Advance Number One to The Flats on Archer, pursuant to loan agreement for The Flats on Archer Project. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

**Nays: None**

**The motion passed unanimously.**

**Commissioner Pegues thanked former Mayor Susan Savage for his appointment to the Tulsa Airport Authority and former Mayor Kathy Taylor for his appointment to Tulsa Development Authority.**

**Commissioner Pegues moved to go into Executive Session at 10:52 a.m., seconded by Commissioner Bracy. The vote was recorded as follows:**

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

**Nays: None**

**The motion passed unanimously**

- 10. 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 the status of Contract for Sale of Land for Private Redevelopment with The Carland Group for redevelopment of the Cherokee Meadows Senior Housing addition located east of Gateway Plaza, Tulsa, Oklahoma and possible action to enforce contract rights. [25 O.S. §307(b) (4) and §307(c) (10).]
  - b. Confidential communication with Counsel regarding possible amendment of the Redevelopment Agreement with Peoria Realty Investments for the acquisition of certain properties located within the Unity Heritage Neighborhood Sector Plan/Greenwood Heritage Neighborhoods Sector Plan. [25 O.S. §307(b) (4) and §307(c) (10).]
  - c. Confidential communication with Counsel regarding the status of the Redevelopment Agreement dated June 30, 1986 between the University Center at Tulsa (UCT) and the Tulsa Development Authority (TDA). [25 O.S. §307(b) (4) and §307(c) (10).]
  - d. Confidential communication with Counsel regarding approval of Financial Documentation for the Morton Reserve Properties, LLC for redevelopment of the former Morton Hospital Site located at 605 East Pine Street, Tulsa, Oklahoma. [25 O.S. §307(b) (4) and §307(c) (10).]
  - e. Confidential communication with Counsel regarding approval of Financial Documents submitted by Rupe Helmer Group, for TDA owned property located at 744 East Pine Street, Tulsa Oklahoma – Dollar General Store. [25 O.S. §307(b) (4) and §307(c) (10).]
  - f. Confidential communication with Counsel regarding pending litigation regarding TDA owned property located at 744 East Pine Street, Tulsa, Oklahoma. [25 O.S. §307(b) (4) and §307(c) (10).]
  - g. Confidential communication with Counsel regarding the Tulsa Development Authority’s Executive Director Annual Evaluation. [25 O.S. §307(b) (4) and §307(c) (10).]

**Vice Chairman Mitchell and Kathy Taylor exited the meeting at 12:10 p.m.**

- 11. Vote to Return to Open Session:** Commissioner Bracy moved to return to Open Session at 12:12 p.m., seconded by Commissioner Pegues. The vote was recorded as follows:

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

**The motion passed unanimously.**

- 12. 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.

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

**10.a. Carland Group/Cherokee Meadows**

Chairman Peters recognized State Representative Regina Goodwin who provided a history of the Federal Funds obtained for the project and concerns and grievances of the residents of the development. General Counsel Hartley stated the 60 days to cure the Default has passed and TDA will take action to enforce its contractual rights.

After discussion, Commissioner Bracy moved to approve **Resolution No. 6374**, to declare Default by Carland Group, LLC, Cherokee Meadows, LP, and Omega Alpha Development, LLC and approval of action to enforce TDA rights upon Breach of Contract for Sale of Land for Private Redevelopment for Cherokee Meadows Project. Commissioner Pegues seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

**10.b. Peoria Realty**

After discussion, Commissioner Pegues moved to approve **Resolution No. 6375**, approving negotiations for further Amendment to Contract for Acquisition and Sale of Land for Private Redevelopment with Peoria Realty Investments, Inc. to provide loan fund assistance for tenant build out of commercial rental space. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

**Nays: None**

**The motion passed unanimously**

**10.e. Rupe Helmer/Dollar General Store**

After discussion, Commissioner Roberts moved to approve **Resolution No. 6376**, approving Construction Financial Documentation from Rupe Helmer Group, for redevelopment of property located at 744 -750 East Pine Street, Tulsa, Oklahoma – Dollar General Project. Commissioner Pegues seconded the motion. The vote was recorded as follows:

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

**Nays: None**

**The motion passed unanimously**

**10.f. 744 East Pine Litigation**

After discussion, Commissioner Bracy moved to approve **Resolution No. 6377**, approving and authorizing representation of TDA Commissioners and Staff in pending litigation – Case No. CV-2017-1049, Tulsa County District Court by Jot Hartley. Commissioner Roberts seconded the motion. The vote was recorded as follows:

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

**Nays: None**

**The motion passed unanimously**

**10.g. Executive Director Annual Evaluation**

After discussion, Commissioner Bracy moved to approve **Resolution No. 6378**, approving Annual Employment Evaluation of Executive Director and approving increase in salary and bonus. Commissioner Pegues seconded the motion. The vote was recorded as follows:

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

**Nays: None**

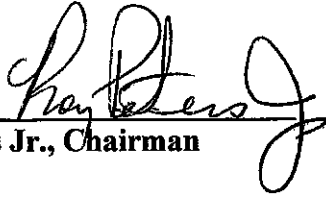
**The motion passed unanimously**

**14. New Business:** None.

**15. Adjournment:** Chairman Peters adjourned the meeting at 12:29 p.m.

**Tulsa Development Authority**

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



**Roy Peters Jr., Chairman**



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

[9-6-2017 – Regular Meeting Minutes - (nbc-)]