
**TULSA DEVELOPMENT AUTHORITY
STAFF REPORT**

MEETING DATE: August 4, 2016
TO: Chairman & Board Members
FROM: O.C. Walker
SUBJECT: The Brady Owners Association TIF
LOCATION: Brady Village

Background:

Redeveloper:	Tulsa Development Authority
Owner:	Tulsa Development Authority
Legal Description:	N/A
Location:	Brady Village
Size of Tract:	N/A
Zoning:	Central Business District (CBD)
Development Area:	Brady Village
Fair Market Value	N/A
Staff Planner:	O.C. Walker

Relevant Info: On June 2, 2016, at the TDA Regular meeting there was an agenda item to discuss terminating the Brady District TIF. During the meeting, Clay Bird, of the Mayor's Office of Economic Development stated the Brady District TIF will not terminate at this time. Mr. Bird also explained there is a debate regarding whether the TIF's should expire, when projections are reached or terminate at the end of the TIF's life cycle.

This is a request from the Brady District Owners Association (BDOA) to confirm from the City of Tulsa intends to continue approving Brady TIF projects and funding such projects consistent with the increase of the estimated project cost in 2008. The BDOA would like this issue/topic to be properly addressed. The BDOA would like for the City of Tulsa and TDA to confirm the positions regarding their status of the Brady District TIF.

Recommendation: Email from R. Mark Petrich, dated July 26, 2016.

Reviewed By: O.C. Walker

O.C. Walker

From: Marvin A. Shirley <dcsm98@cox.net>
Sent: Tuesday, July 26, 2016 1:12 PM
To: O.C. Walker
Subject: FW: Brady Meeting

O C:

I noticed you were not copied on this email so wanted you to see this ASAP. Hopefully we can move forward with the three projects which have the design and engineering work completed.

Also, can Mike prepare a project status and expected timeline for the Cameron project for the August 5th BADOA meeting? Have you authorized the reimbursement of the engineering fees to the BADOA?

Thanks for your help. Lots happening at TDA!!! I have been in conversation with William Smith and suggested he scale back the size of the proposed office complex to make it more financeable. Look forward to seeing his current plans.

Marvin

From: MPetrich@HallEstill.com [mailto:MPetrich@HallEstill.com]
Sent: Tuesday, July 26, 2016 10:32 AM
To: jothartley@gmail.com
Cc: steve@argtulsa.com; DCSM98@COX.NET; twallace@wallacesc.com
Subject: FW: Brady Meeting

Jot:

As we discussed on the telephone, below is Leslie's e-mail from last week confirming that the 2008 amendment is "legally sufficient" to increase the estimated Brady TIF project costs to \$6,334,139. The Brady owners would like confirmation from TDA that it intends to continue approving Brady TIF projects and the funding of such projects consistent with the increase of the estimated project costs in 2008.

Can this issue/topic be added to the agenda for the August 4 TDA meeting so that it can be properly addressed.. or can TDA confirm its position regarding this issue without it being formally placed on the meeting agenda? Please let us know.

Thanks for your assistance and let me know if you have questions or would like to further discuss.



R. Mark Petrich | Shareholder
320 S. Boston Ave., Suite 200
Tulsa, OK 74103
T: 918-594-0464 | F: 918-594-0505

From: Leslie Batchelor [mailto:lesliebatchelor@econlaw.com]
Sent: Thursday, July 21, 2016 1:41 PM

To: Mark Petrich
Cc: Blank, Audrey; Bird, Clay
Subject: RE: Brady Meeting

Mark—

Sorry for the delay responding – I've been tied up in a mediation.

The City Legal Department and I have reviewed the public record and have determined that the 2008 amendment appears to be legally sufficient to increase the authorized costs for TIF 1, though we have some serious concerns about the fact that neither the City Finance Department nor any of the ad valorem taxing jurisdictions were ever put clearly on notice of the increased cost authorization in order to implement the amendment. As a result, we now are faced with a difficult situation with respect to the ad valorem increment, but I think it is not insurmountable. Because we have not yet completed the current study of the possible establishment of a TIF project plan for East Downtown, we are continuing to examine the best options for facilitating and supporting development on the remaining undeveloped or underdeveloped portions of the current Brady TIF. I am still working to develop a proposal for that, but the message I took (loud and clear) from our meeting is that the Brady owners wish to continue under the current system, and I anticipate the proposal will accommodate that, though we might need to make some technical changes in order to do that consistent with the larger East Downtown TIF that is anticipated.

I think it is important to note that the City is the entity legally authorized to create, amend, and/or terminate the Brady TIF District. Neither the TIF District nor the Project Plan creates any vested rights in any of the owners. I know from my conversations with the City staff that they value having a good working relationship with the Brady owners, but I don't think that relationship benefits from overstating their legal status and I want to make sure there is no misunderstanding about the law here.

I will get my proposal for the new TIF to the city as quickly as possible, and I will let you know as appropriate how that affects the Brady owners.

-Leslie

Leslie V. Batchelor

Center For Economic Development Law
405.232.4606

From: Bird, Clay [<mailto:CBIRD@cityoftulsa.org>]
Sent: Wednesday, July 20, 2016 5:38 PM
To: 'MPetrich@HallEstill.com'
Cc: Blank, Audrey; Leslie Batchelor
Subject: RE: Brady Meeting

Mark, I haven't received a recent update. Perhaps Audrey or Leslie may. Thanks, Clay

From: MPetrich@HallEstill.com [<mailto:MPetrich@HallEstill.com>]
Sent: Wednesday, July 20, 2016 2:53 PM
To: Bird, Clay
Cc: Blank, Audrey; lesliebatchelor@econlaw.com
Subject: RE: Brady Meeting

Clay, Audrey and Leslie:

I wanted to follow up on this again. Have you completed your review/research? Is the City going to stand by the analysis/recommendation set forth in Leslie's May 20, 2016 memo? Please let me know at your earliest convenience.

Thanks.



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From: Bird, Clay [<mailto:CBIRD@cityoftulsa.org>]
Sent: Tuesday, July 05, 2016 10:54 AM
To: Mark Petrich
Cc: Blank, Audrey; lesliebatchelor@econlaw.com
Subject: RE: Brady Meeting

Mark, as of last week, Leslie and Audrey were still researching and reviewing. I think that's still the case but I'm sure they will correct me if I'm wrong. I've copied Leslie on this email as well. Thanks, Clay

From: MPetrich@HallEstill.com [<mailto:MPetrich@HallEstill.com>]
Sent: Tuesday, July 05, 2016 10:47 AM
To: Bird, Clay
Cc: Blank, Audrey
Subject: RE: Brady Meeting

Clay and Audrey:

I wanted to follow up on our meeting last week. Has the City had a chance to review Ordinance No. 21950 and the Revised Plan dated October 20, 2008 ...and determine the impact on Leslie's May 20, 2016 analysis/recommendation?

I was hoping to get an update before I meet with some of the Brady Owners this afternoon.

Thanks.



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From: Bird, Clay [<mailto:CBIRD@cityoftulsa.org>]
Sent: Friday, June 24, 2016 1:44 PM
To: Mark Petrich
Cc: Blank, Audrey
Subject: Brady Meeting

Audrey, would you mind contacting Mark Petrich with Hall Estill? He has some questions regarding the Brady TIF documents and wanted to visit before the meeting on Monday. He has copy of the TIF agreement but I think a couple of pages are missing from what he has and he would like to get the full copy. His phone number is 918 594-0464. Thanks,
Clay

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