

## 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 7, 2018

9:00 a.m.

#### Present:

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

#### Absent:

Nancy Roberts, Commissioner  
Thomas Boxley, Commissioner

#### Also Present:

Kevin Anderson  
Annette Bess  
Cheryl Black  
Linn Cain  
Mike Dickerson  
Derek Gates  
Ross Heyman  
Chase Mohler

#### Also Present:

Rhett Morgan  
Charles Okyere  
Jeff Scott  
Mike Thedford  
Dennis Whitaker  
NaTasha Bunch  
Jane Malone  
Carol Young

**The Regular Meeting was called to order at 9:36 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 and Commissioner Bracy were present. Vice Chairman Mitchell was en route at 9:00 a.m., Commissioner Boxley and Commissioner Roberts were absent. A quorum was present at 9:36 a.m., and the meeting was called to order. Until the arrival of Vice Chairman Mitchell, Chairman Peters requested Executive Director Walker present his monthly report, Agenda Item No. 3.
- 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**

A. **First Place Parking Garage, LLC:**

Chairman Peters will issue a letter to the Redeveloper indicating that the TDA office is waiting to receive the Promissory Note and Mortgage for the loan. Plans and specifications have not been submitted to TDA for approval.

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

No new information.

C. **Peoria Realty Investments, Inc.:**

This item will be discussed in Executive Session.

D. **Ogan's Circle/Capital Homes, LLC:**

The Redeveloper broke ground on a new home, and 2 lots remain to complete the project. Executive Director Walker expressed kudos to Leon Davis for facilitating the completion of the entryway for Ogan's Circle. Chairman Peters suggested Executive Director Walker contact Ms. Ogans for a photo opportunity in front of the new entryway.

E. **East Latimer Lots/Capital Homes, LLC:**

The TDA Board approved Resolution No. 6436, on April 5, 2018, for the First Amendment to the contract with Capital Homes, LLC to enter into negotiations for down payment assistance, not to exceed \$32,000.00. This is an Agenda item for today.

F. **The Flats on Archer:**

This is an Agenda item today for Draw Request No. 6.

G. **Hartford Crossing, LLC/Blue Dome Anchor, LLC:**

The loan amount was clarified to be \$490,000.00 instead of \$500,000.00, deducting the TDA administrative fee of \$10,000.00.

H. **The Village at Central Park (Darin Ross):**

Pearl Development – The Redeveloper will be present at the July TDA meeting.

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

The project is complete. Once the City of Tulsa issues the Certificate of Occupancy, TDA will dovetail that process with a certificate of Completion.

J. **Carland Group:**

This item will be discussed in Executive Session.

**K. Block 44 – The Ross Group:**

On May 3, 2018, The TDA Board of Commissioners reviewed and approved Resolution No. 6447, approving negotiations for an Agreement between TDA and The Ross Group Development, LLC for assistance from TDA in the cost of relocation of overhead utility lines for Block 44. TDA will make a payment up to \$500,000.00 when the project is complete. Commissioner Bracy and Commissioner Boxley met with representatives of Ross Group to discuss the Darven Brown Memorial and The Black Wall Street Memorial. Commissioner Bracy will oversee the Darven L. Brown Memorial and Commissioner Boxley will oversee The Black Wall Street Memorial.

**L. Urban Renewal Plans/Sector Plan:**

In July 2018, the Crutchfield Sector Plan will appear on the TDA Regular meeting agenda for review and approval to start the adoption process. The Pearl Neighborhood and Crosbie Heights Neighborhood will commence the CAT in June 2018.

**M. Laura Dester Site:**

An Open House was scheduled for Friday, May 4, 2018, and approximately 20 people attended. The Responses are due for the Request for Proposals on June 20, 2018, and will be placed on the Agenda for the July meeting.

**N. Annual Report 2017:**

TDA's General Counsel and Executive Director met and reviewed the visuals of the document. TDA is currently reviewing the text in the document before presenting to the TDA Board of Commissioners.

**P. Dirty Butter – Heritage Hills:**

The Tease family home is complete, and will be scheduling closing, and the Earnest Deposit will be returned. Mr. Bennie Oulds is on the Agenda today to terminate his contact.

Executive Director Walker responded to comments and concerns from the Board members. After discussion, Vice Chairman Mitchell moved to accept TDA's Executive Director Report for June 2018. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

**Nays: None**

**The motion passed unanimously**

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

- a. Minutes of May 3, 2018 Regular Meeting
- b. Minutes of May 3, 2018 Regular Executive Session Meeting

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

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

**Nays: None**

**The motion passed unanimously**

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

- a. North Peoria TIF Update – Derek Gates: A copy of the report is included in the Commissioner’s packets:** At this time, several issues concerning final details for the lighting and lighting control have been worked out with the City of Tulsa Traffic and Engineering Department. The Traffic and Engineering Department is going to allow the use of an abandoned controller for one of the units to save money; however, one controller will still need to be purchased. There is a request for the TDA Board to approve a change order in the amount of \$15,000.00, the price to purchase one controller. General Counsel Hartley suggested increasing the funding limit by \$15,000.00.

After discussion, Vice Chairman Mitchell moved to approve **Resolution No. 6452**, approving an increase in Allocation of TIF funds of \$15,000.00 for North Peoria Street Lighting Project for Installation of Lighting Improvements on North Peoria Avenue, Between East Pine Street and East Apache Street, Tulsa, Oklahoma, seconded by Commissioner Bracy. The vote was recorded as follows:

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

**Nays: None**

**The motion passed unanimously**

- b. TIF Report Updates – Mike Thedford: A copy of the report is included in the Commissioner’s packets: Mr. Thedford was not present.**

- **Blue Dome Lighting Project: Fund No. 6967** – Approximately 150 lights throughout Blue Dome District. Additional city of Tulsa funding has made it possible to complete the project as originally designed. Funding will cover costs associated with additional footings and materials for other infrastructure cost overruns. Schedule for completion is pending.
- **TDA – Lansing Center: Roof/Gutter Work** – Pressure washing and paint of all overhead and human doors are

complete. Further investigation is needed for additional roof leaks.

- **Brady District Streetscape Improvements: Fund No. 6963** – Streetscape Enhancements matching Downtown Streetscape Master Plan guidelines. Phase I is now substantially complete. Phase II was bid on April 20, 2018. Crossland was the low bidder at \$641,000.00. Approved funding for the project is \$650,000.00. Staff recommends entering into contract negotiations with Crossland. After discussion, Commissioner Bracy moved to approve **Resolution No. 6453**, approving Contract with Crossland Heavy Construction for Brady TIF Main Streetscaping Phase II Project for Installation of Improvements on East Mathew Brady Street and North Cheyenne Avenue, Tulsa, Oklahoma - \$641,000.00, seconded by Vice Chairman Mitchell. The vote was recorded as follows:

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

**Nays: None**

**The motion passed unanimously**

## **5. General Counsel**

- 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.

### **Breach of Contract:**

- **TDA v. Carland Group, LLC; Cherokee Meadows, LP; Carland Properties, LLC and Omega Alpha Development, LLC:**

Mediation has been scheduled for June 26, 2018 with DRC. Status conference with Judge Wall scheduled is for July 18, 2018.

### **Declaratory Judgment:**

- **North Star Mutual Insurance Company, Inc. v. Carland Group, TDA, et al:**

Joint status has been filed. Case remains pending.

### **Breach of Contract and Lien Foreclosure Counterclaims:**

- **Alpine Roofing, LLC v. MGT Construction Management, East End Village, LLC; Larson Development, TDA and others:**

Case remains pending. MGT Construction filed for bankruptcy.

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

**Other:**

- **Novus Homes (Wilkins) CJ-2008-5713:**  
TDA motion to Enter Judgment in the District Court case in favor of TDA has been granted. Journal Entry of Judgment submitted by TDA approved by the Court.
- **Novus Homes (Wilkins) CV-2016-998:**  
Case remains pending with scheduling conference to be set upon application.

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

Preliminary witness and Exhibit lists to be exchanged by June 31, 2018. Case remains pending.

**Declaratory Judgment:**

- **UCAT v. TDA**  
Mediation was conducted for May 10, 2018 with Dan Holeman as mediator. TDA and UCT representatives reached a tentative settlement of the pending litigation and notice of Default of Redevelopment Agreement case pending until settlement is finalized and approved by the Court. Case remains pending. This will be further discussed in Executive Session.

**6. Discussion, consideration, and vote to accept Financial Reports:**

- April 2018 - Income and Expenditure Report - included in the Commissioner packets:** Cheryl Black, Assistant Controller provided an updated report and an overview of the Income and Expenditure Report to the Commissioners and answered questions.
- Comparative Financial Statements - included in the Commissioner's packets:** Cheryl Black provided an updated report, gave an overview of the Comparative Financial Statements, and answered questions from the Board.

After discussion, Commissioner Bracy moved to accept the Financial Report and Comparative Financial Statements for April 2018 and, **Resolution No. 6454**, approving TDA Financial Report for April 2018, and the Comparative Financial Statement, seconded by Vice Chairman Mitchell. The vote was recorded as follows:

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

**The motion passed unanimously.**

- c. Operating Budget for 2018 - 2019 - included in the Commissioners packets:** Cheryl Black provided an Operating Budget for the fiscal year 2018 - 2019, and answered comments and concerns of the Board. After discussion, Commissioner Bracy moved to approve Resolution No. 6455, approving Tulsa Development Authority Budget for Fiscal year 2018 - 2019, seconded by Vice Chairman Mitchell. The vote was recorded as follows:

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

**The motion passed unanimously.**

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

- a. Discussion and consideration to receive a presentation from the Office of the Mayor regarding the strategic plan from the Action and Implementation Management (AIM) to explain how the organization will help achieve the goals for the City of Tulsa:** Chase Mohler presented the Action and Implementation Management (AIM) plan to the TDA Board of Commissioners. Chairman Peters suggested Executive Director Walker work with the AIM group to determine what TDA goals are in relation to the AIM Plan.
- b. Discussion consideration and vote to issue a Request for Proposals (RFP) to TDA for land located at 211 West Fairview Street, Tulsa, Oklahoma:** Executive Director Walker stated the Request for Proposals (RFP) document is complete and ready for issuance. After discussion, Vice Chairman Mitchell moved to approve Resolution No. 6456, authorizing Issuance of a Request of Proposals (RFP) for the Sale and Redevelopment of TDA owned land located at 211 West Fairview Street, Tulsa, Oklahoma, seconded by Commissioner Bracy. The vote was recorded as follows:

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

**The motion passed unanimously.**

- c. Discussion, consideration, and vote to approve the sale of Lots 17-20, Block1, at the Village at Central Park, from the Village at Central Park, LLC to The Village at Central Park East, LLC. The property is**

**generally located on the Southwest Corner of East 6th Street South and South Peoria Avenue, Tulsa, Oklahoma:** Executive Director Walker stated the Redeveloper requested this item to be placed on the July Agenda to allow them time to complete internal meetings. This item will not be heard today.

- d. **Discussion, consideration, and vote to terminate a Contract for Private Redevelopment between Bennie Oulds and the Tulsa Development Authority for the purchase of property located at 2010 North Hartford Avenue, Tulsa, Oklahoma:** Executive Director Walker stated, Mr. Oulds is no longer in a position to continue with the project and is requesting his contract with TDA is terminated and for TDA to repurchase the property from him. After discussion, Commissioner Bracy moved to approve **Resolution No. 6457**, approving termination of Redevelopment Contract with Bennie Oulds and for Tulsa Development Authority to repurchase the property located at 2010 North Hartford Avenue, Tulsa, Oklahoma. Vice Chairman Mitchell seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

- e. **Discussion, consideration, and vote to approve a Resolution to amend a Redevelopment Agreement with 403 Cheyenne, LLC, as assignee of Addax Development, Inc., to receive a loan of Affordable/Obtainable Housing Funds for Residential Development in Downtown Tulsa for property located at 403 South Cheyenne Avenue, Tulsa, Oklahoma (The Adams Building Project):** General Counsel Hartley explained this is the other property receiving Downtown Housing Funds in the amount of \$490,000.00. This amount is less \$10,000.00 for TDA's Administrative fees. After discussion, Commissioner Bracy moved to approve **Resolution No. 6458**, approving Amended Redevelopment Agreement with 403 Cheyenne, LLC for loan of Downtown Housing Funds for Residential Development within Tulsa, Oklahoma – Adams Building Redevelopment. Vice Chairman Mitchell seconded the motion. The vote was recorded as follows:

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

**The motion passed unanimously.**

- f. **Discussion, consideration, and vote to approve a Resolution authorizing an Amendment to the Redevelopment Agreement between Capital Homes Residential Group, LLC and TDA for the sale of TDA land located on East Latimer Street, between North Boston Avenue and North Main Street, Tulsa, Oklahoma:** Executive Director



Walker stated this is a request to increase the purchase price of homes to be built by Capital Homes by 10%, an increase from \$140,000.00 - \$170,000.00 to approximately \$210,000.00. Ross Heyman, representative with Capital Homes, was present to provide rationale for the request. After discussion, Commissioner Bracy moved to approve **Resolution No. 6459**, approving Second Amendment to Contract with Capital Homes Residential Group, LLC for the sale of land located on East Latimer Street, between North Boston Avenue and North Main Street, Tulsa, Oklahoma. Vice Chairman Mitchell seconded the motion. The vote was recorded as follows:

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

**Nays: None**

**The motion passed unanimously.**

- g. Discussion, consideration and vote to approve a Resolution for the Sixth 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 Sixth Draw Request for Flats on Archer for the amount of \$90,375.00. After discussion, Commissioner Bracy moved to approve **Resolution No. 6460**, approving payment of Advance No. Six in the amount of \$90,375.00 to the Flats on Archer, LLC pursuant to Loan Agreement for the Flats on Archer Project - 110 North Boston Avenue, Tulsa, Oklahoma. Vice Chairman Mitchell seconded the motion. The vote was recorded as follows:

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

**Nays: None**

**The motion passed unanimously.**

- h. Discussion, consideration and vote to approve a Resolution approving Redevelopment Agreement with Ross Group Development, LLC for reimbursement of costs of relocation of utility lines for property located on the Northwest Corner of East Archer Street and North Elgin Avenue (Block 44), Tulsa, OK:** Executive Director Walker stated this is a request for reimbursement of costs associated with relocation of overhead utility lines. After discussion, Vice Chairman Mitchell moved to approve **Resolution No. 6461**, approving Redevelopment Agreement between TDA and Ross Group Development, LLC for assistance from TDA in the cost relocation of overhead utility lines - Block 44 Project, Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

**Nays: None**

**The motion passed unanimously**

10. **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.

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

8.a. **Peoria Realty**

After discussion, Vice Chairman Mitchell moved to approve **Resolution No. 6463**, approving Contract for Acquisition and Sale of Land for Private Redevelopment with Peoria Realty Investment Inc. for Land Privately owned in Booker Washington Addition, Tulsa, Oklahoma. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

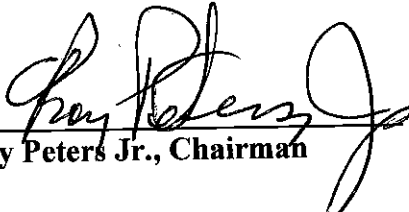
**Nays: None**

**The motion passed unanimously.**


12. **New Business:** The next TDA meeting will be held on the second Thursday, July 12, 2018, due to the Independence Day Holiday.

13. **Adjournment:** The meeting adjourned at 11:27 p.m.

**Tulsa Development Authority**

  
\_\_\_\_\_  
Roy Peters Jr., Chairman

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

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

[6-7--2018 – Regular Meeting Minutes - (nbe-)]