

REGULAR MINUTES

**Tulsa Development Authority Board of Commissioners
Regular Meeting**

One Technology Center
175 East 2nd Street
Tulsa, OK 74103
10th Floor North Conference Room

Thursday – May 2, 2019
9:00 a.m.

Present:

Roy Peters Jr., Chairman
Steve Mitchell, Vice Chairman
Thomas Boxley, Commissioner
Carl Bracy, Commissioner
Nancy Roberts, Commissioner

O.C. Walker II, Executive Director
Jot Hartley, General Counsel

Absent:

Also, Present:

Annette Bess
Cheryl Black
Joyce Brown
Linn Cane
Jim Coles
Sharyn Cosby
Darlene Hall
Vanessa Hall-Harper
Travis Hulse
Kian Kamas
Julie Miner
Jeff Moore

Also, Present:

Rhett Morgan
Burlinda Radney
Scott Rodehaver
Darin Ross
Tom Wallace
Dawn Warrick
Dennis Whitaker

Jane Malone
Demaury Myers
Nicole Travis
Carol Young

The Regular Meeting was called to order at 9:00 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 Boxley, Commissioner Bracy, and Commissioner Roberts were present. A quorum was present.

Chairman Peters commented on the “Dwell in the IDL” tour held on April 27, 2019, of which he attended, and the tour included several stops that TDA was involved in.

He also recognized Jane Malone, TDA Executive Assistant, and announced the re-naming of Chamberlain Recreation Center to the Jane A. Malone Recreation Center by Mayor G.T. Bynum.

2. **Consideration of Consent, Routine, Repetitive Items for discussion, consideration and vote to approve:**

- a. 2.a. - Minutes of April 4, 2019 Regular Meeting.
- b. 2.b. – Minutes of the April 4, 2019 Executive Session minutes will be approved at the June 2, 2019 Regular Meeting.
- c. 2.c. – **Resolution No. 6549** approved a Resolution for payment of Advance No. 9 in the amount of \$28,420.00 representing 82.38% completion, from 403 Cheyenne, LLC.
- d. 2.d.- **Resolution No. 6550** approved a Resolution for payment of Advance Request No. 1 in the amount of \$77,698.00 to the Ross Development Group, LLC pursuant to the Redevelopment Agreement for the Block 44 Project, assigned to Valley National Bank, representing 50% completion for utility relocation, from Vast (Valley National Bank).
- e. 2.e. – Removed from the Agenda at the request of the potential purchasers and redevelopers.

After discussion, Commissioner Bracy moved to approve Agenda items 2.a., 2.c., and 2.d. Nancy Roberts seconded the motion. The vote was recorded as follows:

Ayes: Peters, Mitchell, Boxley, Bracy and Roberts
Nays: None

The motion passed unanimously.

3. **Consideration of Items Removed from Consent Agenda**
None.

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

A. Price Family Parking Garage Project - Price Family Parking, LLC:

No new information.

B. Adams Building - 403 Cheyenne, LLC:

On the Agenda today, the TDA Board of Commissioner's reviewed and approved Draw Request No. 8 from the Downtown Development and Redevelopment Fund in the amount of \$30,282.00 for Residential Development in Downtown Tulsa, representing 76.58% completion.

C. Hartford Crossing, LLC/Blue Dome Anchor, LLC:

- **Hartford Crossing:** The Redeveloper is in the Building Permit process for the multi-family project. A construction fence has been placed on site. Construction will commence once the Building Permit is issued.
- **Blue Dome Anchor – Hartford Building Project:** The Redevelopers indicate they are very close to signing leases with two tenants for the Hartford Building, who would occupy approximately 50% of the building.

D. The Village at Central Park (Darin Ross):

On the Agenda today, Darin Ross and his redevelopment group requested an extension to provide Construction Plans and Building Specifications.

E. The Village Flats, LLC (Nathan Garret)

Construction is underway on the Village Flats.

F. Laura Dester Site:

On April 4, 2019, the TDA Board of Commissioners approved Resolution No. 6545, approving a plan for structural demolition and lot clearance of the existing Laura Dester Buildings. On the Agenda today to approve the release of an RFP.

G. Block 44, The Ross Group:

This Project is on the Agenda today requesting approval of Advance Request No. 1 - assistance for cost of utility relocation.

H. Morton's Reserve Properties, LLC, formerly Pine Place Development, LLC:

On April 2, 2019, the TDA Board of Commissioners reviewed and approved Resolution No. 6546, approving Construction Financial Documentation from Morton's Reserve Properties, LLC.

I. Peoria Realty Investments, Inc. and Charney Properties, Inc.:

The project is currently on hold until an amendment to the Greenwood-Unity Heritage Neighborhoods Sector Plan is adopted by the Tulsa City Council. Also, the redevelopers need to resolve other issues before returning to TDA.

J. Ogan's Circle/Capital Homes, LLC:

The project is complete. Commissioner Bracy stated the need for a strong Homeowners' Association (HOA).

K. East Latimer Project/Capital Homes, LLC:

Six homes are currently under construction. Capital Homes expects the homes to be completed by late spring or early summer.

L. The Flats on Archer/SATTCOM Investments:

The Flats is 99.80% complete. The Project received the Certificate of Occupancy from the City of Tulsa.

M. Carland Group:

On last month, the Chairman of TDA signed the Settlement Agreement. TDA has not received an executed Settlement Agreement from the redeveloper.

N. Urban Renewal Plans/Sector Plan:

- Crutchfield Area Neighborhood:
 - The Crutchfield Sector Plan was approved by the Tulsa City Council. All activities and actions are put on hold until additional actions are corrected.
- Crosbie Heights Neighborhood:
 - The Crosbie Heights Sector Plan was put on hold, TDA Executive Director will meet with the citizens of Crosbie Heights on May 2, 2019, to review the revised plan and discuss next steps in the adoption process.
- Pearl District Neighborhood:
 - The plan is complete.
- Amendment to the Unity Heritage/Greenwood Neighborhoods:
 - TDA Executive Director, provided information regarding steps taken thus far. The steps are included in his Monthly Report. He also acknowledged the presence of Pastor Sharyn Cosby, a member of the North Tulsa Minister's Conference.

O. North Tulsa Tax Increment Financial District:

TDA's Executive Director and General Counsel, plan to meet with Crossover Impact regarding terms and conditions of a Term Sheet for the Redevelopment Project.

Alfresco Group, LLC:

No new information.

P. TDA Land North of the IDL (Former UCT Land):

The Tulsa Development Authority received a deed to the property from the University Center at Tulsa (UCT) on April 16, 2019. TDA will take formal action to execute deeds transferring property to Langston and the City of Tulsa. TDA will also issue a Request for Proposals for property maintenance for the TDA land.

Q. Downtown Housing Study Request for Proposals (RFP)

TDA Executive Director provided information regarding the project.

R. Dirty Butter- Heritage Hills Extension:

No new information.

After discussion, Commissioner Bracy moved to accept TDA's Executive Director Report for May 2019. Vice Chairman Mitchell seconded the motion. The vote was recorded as follows:

Ayes: Peters, Mitchell, Boxley, Bracy and Roberts

Nays: None

The motion passed unanimously.

5. Receive, Discuss and Vote:

- a. Discussion, consideration and vote to approve a Resolution approving the Construction Plans and Building Specifications for TDA-owned property located at 2010 North Hartford Avenue, Tulsa Oklahoma, submitted by Alecia Peel.**

After discussion, and on motion by Commissioner Bracy, seconded by Commissioner Boxley, **Resolution No. 6551** was approved to accept the Construction Plans and Building Specifications for TDA-owned property located at 2010 North Avenue, Tulsa Oklahoma, submitted by Alecia Peel. The vote was recorded as follows:

Ayes: Peters, Mitchell, Boxley, Bracy and Roberts

Nays: None

The motion passed unanimously.

b. Discussion, consideration and vote to approve an Amendment to an existing Redevelopment Agreement between TDA and Pearl Development, LLC for property located on the southwest corner of South Peoria Avenue and East 6th Street South, Tulsa, Oklahoma.

After discussion, and on motion by Commissioner Roberts, seconded by Commissioner Boxley, **Resolution No. 6552** approving a 120-day extension to provide Construction Plans and Building Specifications for an existing Redevelopment Agreement, between TDA and Pearl Development, LLC. The vote was recorded as follows:

Ayes: Peters, Mitchell, Boxley, Bracy and Roberts
Nays: None

The motion passed unanimously.

c. Discussion, consideration and vote to approve a Resolution authorizing a Streetscaping Project on Main Street between Cameron and Easton Streets, Tulsa, Oklahoma in the amount of \$1,042,914.00 payable from the Brady Art's District TIF funds.

After discussion, clarification and responses to concerns on motion by Commissioner Roberts, seconded by Commissioner Bracy, **Resolution No. 6553** approving the TIF Grant Application Request to fully fund, from currently available Tax Increment District No. 1 (a/k/a Brady Village TIF) funds, the total cost of improvements to bury AEP/PSO overhead electric services and lines, including materials, construction services, engineering services and TDA administrative fees in an amount not to exceed One Million, Forty-two Thousand, Nine Hundred Fourteen and no/100 Dollars (\$1,042,914.00) for installation of streetscape improvements on Main Street, between Cameron and Easton Streets, Tulsa, Oklahoma. Tom Wallace with Wallace Engineering also provided information regarding the request. The vote was recorded as follows:

Ayes: Peters, Mitchell, Bracy and Roberts
Nays: Boxley

The motion passed by a majority.

d. Discussion, consideration and vote to approve a Resolution to release a Notice of Invitation to Bid landscaping and property maintenance services on TDA-owned property located as follows:

- West of North Martin Luther King, Jr. Blvd., south of Independence Street, north of the ODOT right-of-way for HWY I-244 and approximately 145 ft. west of north Main Street (to alley) and approximately 100 ft. west of North Boulder, less and except the Salvation Army property (approximately 31.7 acres)

- East of North Greenwood Avenue, north of the ODOT right-of-way for HWY I-244, west of the railroad right-of-way, south of the OSU parking lot, less and except the Vernon A.M.E. Church property (approximately 6.3 acres).

After discussion, and on motion by Vice Chairman Mitchell, seconded by Commissioner Roberts, **Resolution No. 6554** approving and authorizing the release of a Notice of Invitation to Bid for Landscaping and Property Maintenance Services on TDA-owned real property at the locations above described and as set forth in the Bid documents. The vote was recorded as follows:

Ayes: Peters, Mitchell, Boxley, Bracy and Roberts
Nays: None

The motion passed unanimously.

e. Discussion, consideration and vote to transfer TDA-owned land located at various locations to Langston University.

After discussion, and on motion of Commissioner Bracy, seconded by Commissioner Boxley, **Resolution No. 6555** approving conveyance of certain real property (description attached to the Resolution) to Langston University, pursuant to the terms of a Settlement Agreement between TDA and UCT pertaining to pending litigation. The vote was recorded as follows:

Ayes: Peters, Mitchell, Boxley, Bracy and Roberts
Nays: None

The motion passed unanimously.

f. Discussion, consideration and vote to approve a Resolution authorizing the Black Wall Street Chamber of Commerce and the Tulsa Juneteenth Board the use of TDA-owned land located East of N. Greenwood Avenue, north of the ODOT right-of-way for I-244, west of the railroad right-of-way, south of the OSU parking lot, less and except the Vernon A.M.E. Church property.

After discussion, and on motion of Commissioner Bracy, seconded by Commissioner Boxley, **Resolution No. 6556** approving License for use of TDA-owned land, as described in the Resolution, by Tulsa Juneteenth Board for the Tulsa Juneteenth Celebration, subject to certain conditions and requirements as set forth in the Executive Director's Staff Report. The vote was recorded as follows:

Ayes: Peters, Mitchell, Boxley, Bracy and Roberts
Nays: None

The motion passed unanimously.

- g. Discussion, consideration and vote to approve a Resolution approving the selection of candidates to serve on the Citizens Advisory Team (CAT) for the Greenwood-Unity Heritage Neighborhoods Urban Renewal Plan Amendment.**

After discussion, and on motion of Commissioner Roberts, seconded by Commissioner Bracy, **Resolution No. 6557** approving candidates, as listed in the Resolution, for a Citizens Advisory Team (CAT) as selected by District 1 Councilor Vanessa Hall-Harper, for the Amendment to the Greenwood-Unity Heritage Neighborhoods Sector Plan, with 5 more candidates to be selected at the June, 2019, TDA Board meeting. The vote was recorded as follows:

Ayes: Peters, Mitchell, Boxley, Bracy and Roberts
Nays:

The motion passed unanimously.

- h. Discussion, consideration and vote to approve a Resolution releasing a Request for Proposals for a Structural Demolition and Lot Clearance on two TDA owned properties located at 1427 East 8th Street (Laura Dester Site) and 727 South Troost (House and Garage)**

After discussion, and on motion of Vice Chairman Mitchell, seconded by Commissioner Roberts, **Resolution No. 6558** was approved to release a Request for Proposals (RFP) for a Structural Demolition and Lot Clearance on TDA owned properties located between Quincy and Rockford Avenues, and between 7th and 8th Streets – Laura Dester Site, and 727 South Troost. The vote was recorded as follows:

Ayes: Peters, Mitchell, Bracy, Boxley and Roberts
Nays: None

The motion passed unanimously.

Commissioner Bracy moved to go into Executive Session at 10:18 a.m., seconded by Commissioner Boxley. The vote was recorded as follows:

Ayes: Peters, Mitchell, Boxley Bracy and Roberts
Nays: None

The motion passed unanimously.

- 6. Executive Session: Discussion, consideration and vote to go into Executive Session as authorized by Title 25 O.S. §307(B)(1) regarding an individual employee matter**

and Title 25 O.S. §(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)(11) 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. Discussion of Annual Performance Review of TDA Executive Director. (Title 25 O.S. Section 307(B)(1).

7. **Vote to Return to Open Session:** Commissioner Boxley moved to return to Open Session at 10:53 a.m., seconded by Commissioner Bracy. The vote was recorded as follows:

Ayes: Peters, Mitchell, Boxley, Bracy and Roberts
Nays: None

The motion passed unanimously.

8. **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.

9. **Discussion, consideration and vote on items discussed in Executive Session.**
None.

10. 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.

Breach of Contract:

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

The Settlement Agreement was approved by the Tulsa Development Authority. The Counsel for the Carland Group has provided a letter certifying completion of driveway remediation. Case is ready to be dismissed.

Lien Foreclosure:

- **Alpine Roofing, LLC v. MGT Construction**
No new activity.

Breach of Contract and Lien Foreclosure:

- **East End Village, LLC v. MGT Construction Management, Inc., et al**
No new activity.
- **Sunbelt Fire Protection, Inc. v. MGT Construction Management, Inc., et al**
No new activity.

Declaratory Judgment:

- **UCAT v. TDA:**
TDA counsel is preparing title opinions from abstracts examined. UCAT has signed and delivered Special Warranty Deeds prepared by TDA General Counsel covering the land to be received by TDA and by Langston University. These deeds have been recorded with the Tulsa County Clerk. The title to the respective properties is now held by TDA and Langston University. Litigation filed by UCAT is now ready to be dismissed.
- **Hall-Harper, et. al v. TDA:**
Both parties are waiting for the trial Judge to rule on TDA Motion for Summary Judgment. The case remains pending.

Other:

- **Novus Homes (Wilkins), CJ-2008-5713:**
Case remains pending.
- **Novus Homes (Wilkins), CV-2016-998:**
Judge has denied Plaintiff's (Wilkins) Motion for Partial Summary Judgement. The case remains pending.

11. Discussion, consideration and vote to accept Financial Reports

- March 2019 - Income and Expenditure Report - included in the Commissioners' 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 Commissioners' packets:** Cheryl Black, Assistant Controller, provided an updated report and an overview of the Comparative Financial Statements to the Commissioners and answered questions.

After discussion, Commissioner Bracy moved to approve **Resolution No. 6559** approving Tulsa Development Authority (TDA) Financial Report for March 2019 and the Comparative Financial Statements, seconded by Vice Chairman Mitchell. The vote was recorded as follows:

Ayes: Peters, Mitchell, Boxley, Bracy and Roberts
Nays: None

The motion passed unanimously.

- c. **City of Tulsa Finance Department Invoice.** Cheryl Black, Assistant Controller, provided City of Tulsa Finance Department Invoice to the Commissioners and responded to questions.

After discussion, Commissioner Bracy moved to approve **Resolution No. 6560** approving payment of invoice from the City of Tulsa Department Finance Department in the amount of \$11,377.19 for accounting services rendered July 1, 2018 through March 31, 2019, seconded by Vice Chairman Mitchell. The vote was recorded as follows:

Ayes: Peters, Mitchell, Bracy, Boxley and Roberts
Nays: None

The motion passed unanimously.

- d. **Budget Amendment – included in the Commissioners’ packets:** O.C. Walker, Executive Director, and Cheryl Black, Assistant Controller, provided an overview of the Budget Amendment to the Commissioners and responded to questions.

After discussion, Commissioner Bracy moved to approve **Resolution No. 6561** approving amendment for Tulsa Development Authority (TDA) Fund 711 (Lansing Business & Development Fund) for Fiscal Year 2018-2019. Vice Chairman Mitchell seconded the motion. The vote was recorded as follows:

Ayes: Peters, Mitchell, Bracy, Boxley and Roberts
Nays: None

The motion passed unanimously.

12. New Business – TDA Executive Director introduced Nicole Travis as the new Administrative Assistant.

13. Adjournment: The meeting adjourned at 11:11 a.m.

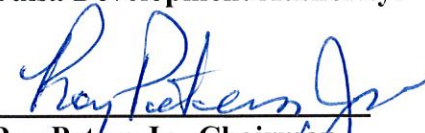
Approved as to legal form and adequacy:



Jot Hartley, Esq., General Counsel

[5-2-2019 – Regular Meeting Minutes – dm, nt, jm]

Tulsa Development Authority:



Roy Peters Jr., Chairman