

## 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 6, 2019  
9:00 a.m.

#### Present:

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

#### Absent:

Steve Mitchell, Vice Chairman

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

#### Also, Present:

Kevin Anderson  
Annette Bess  
Cheryl Black  
Joyce Brown  
Leila Brown  
Arthur Candler  
Linn Cane  
Mike Dickerson  
David Friedland  
Derek Gates  
Vanessa Hall-Harper  
Julie Miner

#### Also, Present:

Rhett Morgan  
Matt Newman  
Justin Pickard  
Burlinda Radney  
Lori Schram  
Dennis Whitaker  
  
Jane Malone  
Demaury Myers  
Nicole Travis  
Carol Young

**The Regular Meeting was called to order at 9:04 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, Commissioner Boxley, Commissioner Bracy, and Commissioner Roberts were present. Vice Chairman Mitchell was absent. A quorum was present.
2. **Consideration of Consent, Routine, Repetitive Items for discussion, consideration and vote to approve:**
  - a. 2.a. - Minutes of April 4, 2019 Executive Session.
  - b. 2.b. - Minutes of May 2, 2019 Regular Meeting.
  - c. 2.c. – Minutes of May 2, 2019 Executive Session Meeting.
  - d. 2.d.- **Resolution No. 6562** approving payment of Advance No. 10 in the amount of \$51, 499.00 to 403 Cheyenne, LLC as assignee of Addax Development, Inc., to receive a loan from Downtown Development Redevelopment Funds for residential development in downtown Tulsa for property located at 403 South Cheyenne Avenue, representing 92.85% completion.
  - e. 2.e. – **Resolution No. 6563** approving payment of Advance No. 2 in the amount of \$226,186.09 to the Ross Development Group, LLC for the Block 44 Project, for utility relocation assistance, representing 77% completion.

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

Ayes: Peters, Bracy, Boxley 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:**

The project is complete. Currently waiting on the Certificate of Completion.

**B. Adams Building - 403 Cheyenne, LLC:**

On May 2, 2019, the TDA Board of Commissioner's reviewed and approved Draw Request No. 9 from the Downtown Development and Redevelopment Fund in the amount of \$28,420.00 for Residential Development in Downtown Tulsa, representing 82.38% completion. Draw Request No. 10 is on the Agenda today. A "hard hat tour" will be scheduled soon.

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

- **Hartford Crossing:** The Redevelopment Project has broken ground. The permit for the foundation only has been issued and site work has begun.
- **Blue Dome Anchor – Hartford Building Project:** The Property Owner has secured two tenants for the Hartford Building. The first tenant is moving swiftly with making improvements for an anticipated August occupancy. The second tenant, a collaborative workspace company, will be an excellent tenant for the area. Both tenants would occupy 50% of the building.

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

On May 2, 2019, the TDA Board of Commissioner's reviewed and approved Resolution No. 6552, approving an extension of time for an additional 120 days relating to the Redevelopment Agreement with Pearl Development, LLC. The Redeveloper is also in the process of revising Construction Documents for review that will be submitted to TDA Board of Commissioner's in October 2019.

**E. The Village Flats, LLC (Nathan Garret)**

The Construction is currently in progress, and the project remains on schedule.

**F. Laura Dester Site:**

On May 2, 2019, the TDA Board of Commissioner's reviewed and approved Resolution No. 6558, approving the release of a Request for Proposals (RFP) for a structural demolition and lot clearance at the Laura Dester site. The submission deadline was June 5, 2019. TDA and City of Tulsa staff will review the submitted information and provide the TDA Board of Commissioner's with a recommendation during the July 11, 2019, TDA Regular meeting. TDA is currently accepting Bid proposals for redevelopment of the Laura Dester site.

**G. Block 44, The Ross Group:**

On May 2, 2019, the TDA Board of Commissioner's reviewed and approved a Resolution authorizing the first draw request in the amount of \$77,698.00 for the relocation of overhead utilities, which represented 50% of construction completed.

Matthew Newman, with Block 44, provided an update, indicating completion in mid-2020.

On June 5, 2019, TDA Executive Director, met with Tom Biolchini of Vast Bank, who expressed interest in paying homage to the Greenwood District, as well as provide space to place the Darven Brown Memorial. The discussion is on-going.

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

The Redeveloper is currently in negotiations on the debt portion (roughly \$12M) with two different groups that have expressed interest in participating in the project:

- FRG Capital
- United Financial Group (UFG)

The Redeveloper revealed the document should be executed by July 2019. They will work diligently to provide a Phasing Plan.

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

The project is still on hold until an amendment to the Greenwood/Unity Heritage Neighborhoods Sector Plan is adopted by the Tulsa City Council. The amendment process could take up to six (6) months for completion.

**J. East Latimer Project/Capital Homes, LLC:**

No New Information.

**K. The Flats on Archer/SATTCOM Investments:**

The project is essentially complete, and the facility is approximately 93% leased.

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

- Crutchfield Area Neighborhood:
  - No New Information
- Crosbie Heights Neighborhood:
  - On May 2, 2019, the TDA Executive Director and General Counsel met with approximately 50 members of the Crosbie Heights Neighborhood Association to discuss the adoption of the Sector Plan for the area. Another meeting will be held on June 13, 2019 for a final review.
- Pearl District Neighborhood:
  - On May 23, 2019, the Tulsa Planning Office hosted an Open House to review the Small Area Plan at Centennial Park. TDA was in attendance and available to respond to questions regarding the Sector/Urban Renewal Plan.
- Amendment to the Unity Heritage/Greenwood Neighborhoods:
  - The TDA Board of Commissioners will vote to approve a Resolution approving the selection of five (5) additional candidates to serve on the

Citizens Advisory Team for the Greenwood-Unity Heritage Neighborhoods Urban Renewal Plan Amendment.

- On May 17, 2019, TDA met with Representatives of the Mayor's Office and Councilor Hall-Harper to discuss strategies for moving the Plan Amendment forward. TDA and the City of Tulsa will undertake two major projects in an effort to help development and redevelopment decisions in the Greenwood Unity Heritage Neighborhoods Sector Plan.
- TDA Staff Intern, Demauri Myers, briefly discussed the five (5) goals and objectives on how to beautify and preserve the Greenwood Neighborhood on a modest scale to give it more curb appeal. The goals and objectives will be presented to the TDA Board during the TDA meeting in July.
- Commissioner Roberts stated to avoid confusion, any reference to "Kirkpatrick Heights" should be removed.

**M. North Tulsa Tax Increment Financial District:**

TDA's Special Counsel is awaiting direction from the City of Tulsa regarding Sales Tax allowance. If the Sales Tax can be collected, Special Counsel will complete the Plan Document. Crossover Community Impact, Inc. will present the Term Sheet to the TDA Board for review and approval.

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

TDA Board will vote to approve a Resolution to select a Contractor to enter into negotiations for landscaping and property maintenance services on TDA-owned land North of the Inner Dispersal Loop (IDL).

On May 2, 2019, the TDA Board of Commissioners approved a request and authorized a Resolution for the use of TDA-owned land for the Juneteenth Festival June 13-16, 2019.

**O. Downtown Housing Study Request for Proposals (RFP)**

The Housing Study is scheduled to Kick-Off on July 1, 2019 by the Downtown Housing Committee.

**P. Dirty Butter- Heritage Hills Extension:**

Sold four (4) Dirty Butter lots on behalf of the City of Tulsa to families that desire to live in North Tulsa.

On May 2, 2019, the TDA Board of Commissioners reviewed and approved the Construction Plans and Building Specification for the Peele Family. The property closed on May 26, 2019, and construction is scheduled to commence in July 2019.

On May 28, 2019, Ms. Thompson closed on her property and construction is scheduled to commence fall 2019.

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

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

The motion passed unanimously.

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

- a. **Discussion, consideration and vote to approve a Resolution to select a Contractor to enter into negotiations with the successful Respondent for terms and costs of landscaping and property maintenance services contract on TDA-owned property.**

After discussion, on motion by Commissioner Roberts, seconded by Commissioner Bracy, **Resolution No. 6564** approving and authorizing negotiations with Land Care for landscaping and property maintenance services (mowing services) contract for certain property owned by Tulsa Development Authority – land from UCAT. The vote was recorded as follows:

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

The motion passed unanimously.

- b. **Discussion, consideration and vote to approve a Resolution approving the Construction Plans and Building Specifications for TDA-owned property located at 570 East Queen Street, Tulsa Oklahoma, submitted by Lelia M. Brown.**

After discussion, on motion by Commissioner Boxley, seconded by Commissioner Bracy, **Resolution No. 6565** approving the Construction Plans and Building Specifications, submitted by Lelia M. Brown. The vote was recorded as follows:

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

The motion passed unanimously.

- c. **Discussion, consideration and vote to transfer TDA-owned land located at various locations to City of Tulsa, Asset Management Department.**

After discussion, clarification and responses to concerns, on motion by Commissioner Roberts, seconded by Commissioner Boxley, **Resolution No. 6566** approving donation and conveyance of 31.02 acres by Tulsa Development Authority to City of Tulsa, Asset Management Department. Chairman Peters suggested TDA contact the Legal Department to confirm the proper name of the Grantee. The vote was recorded as follows:

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

The motion passed unanimously.

**d. Discussion, consideration and vote to transfer TDA-owned land located at various locations to Tulsa Public Schools for the Emerson Elementary School Expansion.**

After discussion, on motion of Commissioner Roberts, seconded by Commissioner Bracy, **Resolution No. 6567** approving donation and conveyance by Tulsa Development Authority to Tulsa Public Schools for property located at 909 North Boston Avenue, Tulsa, Oklahoma, for Emerson Elementary School Expansion. The vote was recorded as follows:

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

The motion passed unanimously.

**e. Discussion, consideration and vote to enter into negotiations with Davenport Lofts, LLC to the lease and usage of TDA-owned land located north of the Inner Dispersal Loop for temporary construction parking.**

After discussion, on motion of Commissioner Roberts, seconded by Commissioner Boxley, **Resolution No. 6568** approving and authorizing negotiations with Davenport Lofts, LLC for the lease and use of certain property owned by Tulsa Development Authority located west of North Main Street, and between Fairview and Easton Streets, Tulsa, Oklahoma. The vote was recorded as follows:

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

The motion passed unanimously.

**f. Discussion, consideration and vote to approve a Resolution approving the selection of five (5) additional candidates to serve on the Citizens Advisory Team (CAT) for the Greenwood-Unity Heritage Neighborhoods Urban Renewal Plan Amendment.**

After discussion, on motion of Commissioner Boxley, seconded by Commissioner Bracy, **Resolution No. 6569** approving five (5) additional candidates for the Citizens Advisory Team (CAT) for the amendment to the Greenwood Heritage Neighborhoods/Unity Heritage Neighborhoods Sector Plan as listed below:

Joyce Brown	Stephen Chapman	Nathan Pickard
Andrea Chambers	Julie Miner	

. The vote was recorded as follows:

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

The motion passed unanimously.

- g. **Discussion, consideration and vote to approve a Resolution to approve contents of Term Sheet and to enter into negotiations for a Redevelopment Agreement with Crossover Community Impact for North Tulsa TIF Application No. 2., project area located South of East 36<sup>th</sup> St. No. and West of North Peoria Avenue, Tulsa, Oklahoma.**

After discussion, on motion of Commissioner Boxley, seconded by Commissioner Roberts, **Resolution No. 6570** approving contents of Term Sheet in the form attached and to enter into non-binding negotiations with Crossover Community Impact, Inc. for terms of a Financing Assistance Agreement between Tulsa Development Authority and Crossover Community Impact, Inc. for North Tulsa TIF Application No. 2. The vote was recorded as follows:

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

The motion passed unanimously.

- h. **Discussion, consideration and vote to approve a Resolution to review and approve a Forbearance Agreement between TDA and Mayo Hotel and Lofts Limited Partnership for repayment of loan from TDA for redevelopment of property located at 115 West 5<sup>th</sup> Street, Tulsa, Oklahoma.**

After discussion, on motion of Commissioner Bracy, seconded by Roberts, **Resolution No. 6571** approving a Forbearance Agreement, in the form attached, between TDA and Mayo Hotel and Lofts, L.L.P. The vote was recorded as follows:

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



The motion passed unanimously.

Commissioner Boxley moved to go into Executive Session at 10:07 a.m., seconded by Commissioner Bracy. The vote was recorded as follows:

Ayes: Peters, Bracy, Boxley and Roberts

Nays: None

The motion passed unanimously.

6. **Executive Session:** Discussion, consideration and vote to go into Executive Session as authorized by 25 O.S. §307(B)(1) for confidential discussion of employee annual performance review, 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)(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. Confidential communication with Counsel regarding curative Deed Requirements for 601 North Cheyenne Avenue, Tulsa, Oklahoma, 74106 (Wilkins) Title 25 O.S. Section 307 (B)(4).
- b. Discussion of an Amendment to the Redevelopment Agreement with Peoria Realty Investment, Inc. to revise the Project Construction Plans for redevelopment of certain properties on the north side of E. Pine Street and along E. Pine Place, between N. Peoria and N. Norfolk Avenues, within the Greenwood-Unity Heritage Neighborhood. [25 O.S. 307(B)(4) and 307 (C) (11).]
- c. Discussion of Annual Performance Review of TDA Executive Director O.C. Walker. (Title 25 O.S. Section 307(B)(1).

7. **Vote to Return to Open Session:** Commissioner Bracy moved to return to Open Session at 12:01 p.m., seconded by Commissioner Boxley. The vote was recorded as follows:

Ayes: Peters, Bracy, Boxley 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.**

- a. Confidential communication with Counsel regarding curative Deed Requirements for 601 North Cheyenne Avenue, Tulsa, Oklahoma, 74106 (Wilkins) (Title 25 O.S. Section 307(B)(1).

After discussion, Commissioner Bracy moved, and Commissioner Boxley seconded, approving **Resolution No. 6572** to execute a Quit Claim Deed as requested by the land owner to cure title defects contained in a previous Special Warranty Deed from TDA for property comprising a part of Lots Seven (7) and Eight (8), North Tulsa Addition, Tulsa, Oklahoma. The vote was recorded as follows:

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

The motion passed unanimously.

- b. Discussion of an Amendment to the Redevelopment Agreement with Peoria Realty Investment, Inc. to revise the Project Construction Plans for redevelopment of certain properties on the north side of E. Pine Street and along E. Pine Place, between N. Peoria and N. Norfolk Avenues, within the Greenwood-Unity Heritage Neighborhood. [25 O.S. 307(B) (4) and 307 (C) (11).]

No action was taken.

- c. Discussion of Annual Performance Review of TDA Executive Director O.C. Walker. (Title 25 O.S. Section 307 (B)(1).

After discussion, Commissioner Roberts moved, and Commissioner Boxley seconded, approving **Resolution No. 6573** approving Annual Employment Evaluation of Executive Director and approving amount of annual salary and bonus. The vote was recorded as follows:

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

The motion passed unanimously.

## 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  
Case was dismissed by TDA on May 31, 2019.

### 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 that were examined. Title to the respective properties is now held by TDA and Langston University. Dismissal with Prejudice of Litigation filed by UCAT on May 3, 2019.
- Hall-Harper, et. al v. TDA:  
Pretrial Conference has been scheduled for August 1, 2019. Hearing on TDA Motion for Summary Judgment is set for July 30, 2019 with Judge Morrissey. Case remains pending.
- Bank of Oklahoma v. Jessie L. Hardy, Roberta Hardy and TDA:  
General Counsel, Jot Hartley will check on this as no action has occurred since November 14, 2013.

### Other:

- Novus Homes (Wilkins), CJ-2008-5713:  
Defendant Wilkins has filed an appeal of the judgment, and it has been assigned to the Court of Civil Appeals. Case remains pending.

- **Novus Homes (Wilkins), CV-2016-998:**  
Status Conference was held, and a scheduling order was entered on May 6, 2019. The Pretrial has been set for September 23, 2019. The case remains pending.

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

- April 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 Roberts moved to approve **Resolution No. 6574** approving Tulsa Development Authority (TDA) Financial Report for April 2019 and the Comparative Financial Statements, seconded by Commissioner Bracy. The vote was recorded as follows:

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

The motion passed unanimously.

- Fiscal Budget 2019-2020 – included in the Commissioners' packets:** Cheryl Black, Assistant Controller, provided Fiscal Budget 2019-2020 to the Commissioners and responded to questions.

After discussion, Commissioner Boxley moved to approve **Resolution No. 6575** approving the Tulsa Development Authority Fiscal Budget for fiscal year 2019-2020, seconded by Commissioner Bracy. The vote was recorded as follows:

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

The motion passed unanimously.

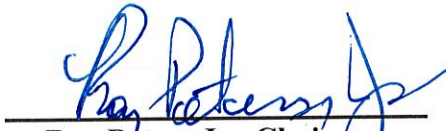
12. New Business: None

13. Adjournment: The meeting adjourned at 12:19 p.m.

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

**Tulsa Development Authority:**

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

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

[6-28-2019 – Regular Meeting Minutes jm-dm-nt]