

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 – July 11, 2019

9:00 a.m.

Present:

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

Absent:

Steve Mitchell, Vice Chairman

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

Also, Present:

Nelson Allen
Kevin Anderson
Cheryl Black
Linn Cane
Mike Dickerson
Kian Kamas
Josh Kunkel
Josh McFarland
Marc Miller
Julie Miner
Rhett Morgan
Michele Piper
Burlinda Radney
Ted Reeds

Also, Present:

Kevin Rice
Lori Schram
Ed Sharrer
Erin Velez
Ashley Wheeler
Dennis Whitaker
Bill White
Kandy White
Kajeer Yar

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, Commissioner Bracy, Commissioner Roberts, and Commissioner Boxley 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 June 6, 2019 Regular Meeting.
 - b. 2.b. - Minutes of June 6, 2019 Executive Session Meeting.
 - c. 2.c. - **Resolution No. 6576** approving payment of Advance No. 11 in the amount of \$14,945.00 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 additional 3.09%, and 95.94% total completion.
 - d. 2.d. - **Resolution No. 6577** approving payment of Advance No. 3 in the amount of \$15,324.46 to the Ross Development Group, LLC and Vast (Valley National Bank), for the Block 44 Project, for utility relocation assistance, representing an additional 6%, and 83% completion.

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

Ayes: Peters, Bracy, Roberts and Boxley
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 essentially complete. A final draw request will be presented in August 2019.

B. Adams Building - 403 Cheyenne, LLC:

On June 6, 2019, the TDA Board of Commissioner's reviewed and approved Draw Request No. 10 from the Downtown Development and Redevelopment Fund in the amount of \$51,499.00 for Residential Development in Downtown Tulsa, representing 92.85% completion. Draw Request No. 11 is on the Agenda today. A "hard hat tour" will be scheduled soon.

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

- **Hartford Crossing:** On June 21, 2019, the TDA Executive Director and Commissioner Boxley attended the "Project Launch and Lunch" at 111 South Greenwood Avenue. Commissioner Boxley stated how exciting it was to see new developments occurring. The Bhow family commended TDA for their assistance with the Hartford Building, as well as the Downtown Housing funds to help facilitate the redevelopment. Construction has commenced and the building permit has been issued.
- **Blue Dome Anchor – Hartford Building Project:** During the "Project Launch and Lunch," the Bhow Family announced the first two tenants who will occupy 50% of the refurbished Hartford Building. The new tenants are Clarion Events, (formerly PennWell), and The HQ Tulsa.

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

The Redeveloper will submit revised Construction Documents to the TDA Board of Commissioner's for review in October 2019.

E. The Village Flats, LLC:

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

F. Laura Dester Site:

TDA Board of Commissioner's issued a Request for Proposals (RFP) for structural demolition and lot clearance. Three (3) responses were received and the recommendation to select a respondent is on the Agenda today.

On June 28, 2019, TDA received a Response to the Request for Proposals (RFP) from Josh Kunkel of Method Architecture, on behalf of Kevin Rice of Amenome, LLC, with an interest to redevelop the Laura Dester site. The Response is on the Agenda today.

G. Block 44, The Ross Group

On June 6, 2019, the TDA Board of Commissioner's reviewed and approved a Resolution authorizing the second draw request in the amount of \$226,186.09 for the relocation of overhead utilities, which represented 77% completion. Draw No. 3 is on the Agenda today.

TDA Executive Director and Commissioner Boxley met with the Redeveloper regarding the Darven Brown bust, as well as paying homage to the Greenwood District. Commissioner Boxley also met with Kristi Williams of The Black Wall Street Chamber of Commerce, and identified ways of paying homage to the Greenwood District. They explored the idea of doing pictorial representations of the past and future of Greenwood, as well as engaging local artists who perform spoken word to come up with a unique script to describe the photography that will be utilized in the pictorial representation.

Commissioner Bracy reported that discussions are still on-going with the placing of the Darven Brown Memorial. General Counsel Jot Hartley indicated the ONEOK Field as a possible location.

Chairman Peters suggested the Redeveloper of Block 44 provide a presentation to the TDA Board of Commissioners on their progress.

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

TDA Executive Director, received information from the Redeveloper that he will present a term sheet. The Redeveloper will appear before the TDA Board of Commissioners in October 2019.

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

On the Agenda today, for termination of the Redevelopment Agreement between TDA and Peoria Realty Investment, Inc.

J. East Latimer Project/Capital Homes, LLC:

The project currently has six (6) homes and is currently 75% complete.

K. The Flats on Archer/SATTCOM Investments:

The Flats on Archer Project is complete.

L. Urban Renewal Plans/Sector Plan:

- Crutchfield Area Neighborhood:
 - The Crutchfield Sector Plan has been fully adopted by the Tulsa City Council and is currently on hold until the Greenwood-Unity Heritage Neighborhood Sector Plan amendment is approved and adopted. The City of Tulsa WINs Department is operating a HOME Loan and Emergency Loan program in the area to assist under-served citizens.
- Crosbie Heights Neighborhood:
 - On June 13, 2019, the TDA Executive Director, General Counsel, and City Councilor McKee met with members of the Crosbie Heights Neighborhood Association to discuss adoption of the Sector Plan for the area. After the meeting, TDA Executive Director and General Counsel were offered a tour by Mr. Bulford and the tour consisted of:

Vacant housing, Redeveloper Housing Stock, Katy Trail and homeless camps. Another meeting will be held in August 2019.

- Kian Kamas, Chief of Economic Development, suggested coordinating a presentation with Becky Gligo, Housing Policy Director, to share her expertise on the homeless community.
- Pearl District Neighborhood:
 - The Small Area Plan is in the process of being adopted and the Sector Plan will follow the adoption process in the fall of 2019.
- Amendment to the Greenwood/Unity Heritage Neighborhoods Plan:
 - The first Citizens Advisory Team (CAT) meeting is scheduled for 6:00 p.m., on July 11, 2019, at the Rudisill Regional Library to discuss next steps regarding the Sector Plan amendments.

M. North Tulsa Tax Increment Financial District:

TDA Executive Director, General Counsel, and Commissioner Boxley met with Kian Kamas and Jim Coles of the Mayor's Office of Economic Development to discuss outstanding issues regarding the North Tulsa TIF. The items discussed were: Collection of Sales Tax, Geography and Proposed District Map, Development Types, Budget Projections, Management and Implementation of TIF.

TDA Executive Director, stated he will need assistance, and he has been in discussion with Kevin Anderson to assist with the role. Further information will be presented to the board later.

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

On June 6, 2019, the TDA Board of Commissioner's reviewed responses to Notice of Invitation to Bid for landscaping and property maintenance services on the TDA-owned land North of the Inner Dispersal Loop (IDL). TDA received four (4) proposals from Lawn Service Providers and the successful respondent was LandCare Inc. On June 12, 2019, TDA executed an agreement to allow service for a five (5) year period.

O. Downtown Housing Study Request for Proposals (RFP)

TDA Executive Director and General Counsel met with Ashley Philippsen, Deputy Chief of Community Development and Policy, and Kian Kamas, Chief of Economic Development, regarding the RFP for the Kirkpatrick Heights Addition land. The RFP should be released by the end of July 2019. Ms. Kamas stated the Master Plan will be more comprehensive and will further guide the land use and contextual analysis. She further stated she met with Dr. Howard Barnett, President of OSU-Tulsa, regarding the dissolution of the University Center of Tulsa Trust Authority to

dissolve the trust, considering it was no longer needed. Ms. Kamas will meet with Councilor Hall-Harper to discuss final steps.

P. Dirty Butter- Heritage Hills Extension:

No New Information.

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

Ayes: Peters, Bracy, Roberts and Boxley

Nays: None

The motion passed unanimously.

5. General Counsel:

- a. Pending Litigation Report was included in the Commissioner's 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**
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:

- **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.

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:**
Plaintiff has submitted its First Discovery Requests. TDA General Counsel and Special Counsel are working on responses. The case remains pending.

6. Discussion, consideration and vote to accept Financial Reports

- May 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.

Commissioner Peters requested that TDA provide a Visa Card usage report to the Board of Commissioners' monthly.

After discussion, Commissioner Bracy moved to approve **Resolution No. 6578** approving Tulsa Development Authority (TDA) Financial Report for May 2019 and the Comparative Financial Statements, seconded by Commissioner Boxley. The vote was recorded as follows:

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

The motion passed unanimously.

7. Receive, Discuss and Vote:

- Discussion, consideration and vote to approve a Resolution terminating a Redevelopment Agreement between TDA and Peoria Realty Investment, Inc. for 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.**

After discussion, on motion by Commissioner Boxley, seconded by Commissioner Roberts, **Resolution No. 6579** was approved for Termination and Mutual Release of Contract for Acquisition and Sale of Land for Private Redevelopment with Peoria Realty Investments Inc., for Acquisition and Redevelopment of Privately-Owned Land, Tulsa, Oklahoma. The vote was recorded as follows:

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

The motion passed unanimously.

- b. Discussion, consideration and vote to enter into negotiations with Zebra Development to use funds from the North Peoria TIF for egress and ingress to land located East of Peoria Avenue and South of Mohawk Blvd., Tulsa, Oklahoma.**

Nelson Allen, President of Zebra Development, provided a detailed power point presentation, together with information regarding the plans for egress and ingress to land located East of Peoria Avenue and South of Mohawk Blvd., Tulsa, Oklahoma. The overall cost is approximately \$3.7 million, and he is requesting funds from the North Peoria TIF.

After discussion, on motion by Commissioner Boxley, seconded by Commissioner Bracy, **Resolution No. 6580** approving negotiations for allocation of expenditure from Tax Increment District No. 4 (a/k/a North Peoria TIF) for Infrastructure Improvement Agreement with Zebra Development, LLC to provide infrastructure for a Project located at the SE Corner of North Peoria and E. Mohawk Blvd., Tulsa, Oklahoma. The vote was recorded as follows:

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

The motion passed unanimously.

- c. Discussion, consideration and vote to enter into a Contract with Davenport Lofts for employee parking and construction lay down space for TDA-owned land located between the IDL and West Fairview Street, and between North Main Street and North Boulder Avenue, Tulsa, Oklahoma.**

After discussion, on motion by Commissioner Boxley, seconded by Commissioner Bracy, **Resolution No. 6581** approving a Contract with Davenport Lofts for use of TDA-Owned property bounded by West Fairview to the North, U.S. Highway I-244 to the South, North Boulder Ave. to the West, and North Main Street to the East, Tulsa, Oklahoma. The vote was recorded as follows:

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

The motion passed unanimously.

- d. **Discussion, consideration and vote to approve a Resolution approving to select a Respondent to enter into negotiations with TDA for an Agreement for a Structural Demolition and Lot Clearance Services on two TDA-owned properties located at 1427 East 8th Street (Laura Dester Site) and 727 South Troost (House and Garage).**

TDA received three (3) responses and made the recommendation to move forward with DT Specialized Services, Inc. for the Structural Demolition and Lot Clearance of the Laura Dester site.

After discussion, on motion by Commissioner Bracy, seconded by Commissioner Roberts, **Resolution No. 6582** approving selection of DT Specialized Services Inc. for approval of negotiations for Structural Demolition and Lot Clearance on TDA-owned property located between Quincy and Rockford Avenues, and between 7th and 8th Streets – Laura Dester Site, and 727 South Troost, Tulsa, OK. The vote was recorded as follows:

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

The motion passed unanimously.

- e. **Discussion, consideration and vote to receive a Response to a Request for Proposal (RFP) from Josh Kunkel of Method Architecture, on behalf of Kevin Rice of Amenome, LLC, for redevelopment of the Laura Dester Site located at 1427 East 8th Street, Tulsa, Oklahoma.**

Josh Kunkel, of Method Architecture, and Kevin Rice of Amenome, LLC, provided a PowerPoint presentation regarding their interest in the redevelopment of the Laura Dester site.

Ed Sharrer, Manager of Destination Districts Program at INCOG, spoke of his full support for redeveloping the Laura Dester site and commended the efforts of Method Architecture and Amenome, LLC for their interest in saving the site from demolition.

Remaining information was discussed in Executive Session.

Commissioner Boxley moved to go into Executive Session at 10:32 a.m., seconded by Commissioner Bracy. The vote was recorded as follows:

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

The motion passed unanimously.

8. **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 a Response to a Request for Proposal (RFP) from Josh Kunkel of Method Architecture, on behalf of Kevin Rice of Amenome, LLC, for redevelopment of the Laura Dester Site located at 1427 East 8th Street, Tulsa, Oklahoma. [(Title 25 O.S. Section 307 (B)(1).)]
- b. Approval of an Amendment to an existing Redevelopment Agreement revising the terms for closing and approving the Construction Financial Documentation from GreenArch, LLC for the GreenArch project located on the Southeast Corner of North Greenwood Avenue and East Archer Street, Tulsa, Oklahoma (Block 53), also known as 21 North Greenwood. [25 O.S. §307(b)(4) and §307 (c)(10).]
- c. Discussion of Annual Performance Review of TDA General Counsel, Jot Hartley. [(Title 25 O.S. Section 307(B)(1).)]

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

Ayes: Peters, Bracy, Roberts and Boxley
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.

- a. Confidential communication with Counsel regarding a Response to a Request for Proposal (RFP) from Josh Kunkel of Method Architecture, on behalf of Kevin Rice of Amenome, LLC, for redevelopment of the Laura Dester Site located at 1427 East 8th Street, Tulsa, Oklahoma. [(Title 25 O.S. Section 307(B)(1).]

After discussion, Commissioner Boxley moved, and Commissioner Roberts seconded **Resolution No. 6583**, approving negotiations with Amenome, LLC, for Redevelopment Contract for TDA-owned Property at a location bounded by East 7th Street South to East 8th Street South, between South Quincy and South Rockford Avenues, Tulsa, OK - Laura Dester Site. The vote was recorded as follows:

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

The motion passed unanimously.

- b. Approval of an Amendment to an existing Redevelopment Agreement revising the terms for closing and approving the Construction Financial Documentation from GreenArch, LLC for the GreenArch project located on the Southeast Corner of North Greenwood Avenue and East Archer Street, Tulsa, Oklahoma (Block 53), also known as 21 North Greenwood. [25 O.S. Section 307(b)(4) and Section(c)(10).]

After discussion, Commissioner Roberts moved, and Commissioner Bracy seconded, approving **Resolution No. 6584** approving Second Amendment to Amended Restated Redevelopment Agreement between TDA and GreenArch, LLC.

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

The motion passed unanimously

- c. Discussion of Annual Performance Review of TDA General Counsel, Jot Hartley. [(Title 25 O.S. Section 307 (B)(1).]

After discussion, Jot Hartley will continue as General Counsel for TDA and at the existing hourly rate of pay.

12. New Business: None

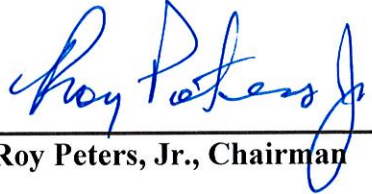
13. Adjournment: The meeting adjourned at 12:05 p.m.

Approved as to legal form and adequacy:



Jot Hartley, Esq., General Counsel

Tulsa Development Authority:

By: 

Roy Peters, Jr., Chairman

[(7-22-2019 – Regular Meeting Minutes – nt/jm)]