

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 – August 1, 2019

9:00 a.m.

Present:

Carl Bracy, Commissioner
Nancy Roberts, Commissioner
Thomas Boxley, Commissioner

Absent:

Roy Peters, Chairman
Steve Mitchell, Vice Chairman

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

Also, Present:

Roger Acebo
Annette Bess
Cheryl Black
Linn Cane
Jim Coles
Vanessa Hall-Harper
Kian Kamas
Josh Kunkel
Marc Miller
Julie Miner
Andrew Mohler
Rhett Morgan

Also, Present:

Ashley Philippsen
Burlinda Radney
Kevin Rice
Jim Stephens
Ashley Wheeler
Dennis Whitaker

Jane Malone
Demaury Myers
Nicole Travis
Carol Young

In the absence of Chairman Peters and Vice Chairman Mitchell, Commissioner Roberts called the meeting to order at 9:00 a.m. 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: Commissioner Bracy, Commissioner Roberts, and Commissioner Boxley were present. Chairman Peters and Vice Chairman Mitchell were absent. A quorum was present.
2. **Consideration of Consent, Routine, Repetitive Items for discussion, consideration and vote to approve:**
 - a. 2.a. – Minutes of July 11, 2019 Regular Meeting
 - b. 2.b. - Minutes of July 11, 2019 Executive Session Meeting.
 - c. 2.c. - Minutes of July 11, 2019 Special Meeting.
 - d. 2.d. - **Resolution No. 6585** approving payment of Advance No. 12 in the amount of \$9,065.00 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 an additional 1.85%, and 97.79% total completion.

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

Ayes: 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 September 2019.

B. Adams Building - 403 Cheyenne, LLC:

On July 11, 2019, the TDA Board of Commissioner's reviewed and approved Draw Request No. 11 from the Downtown Development and Redevelopment Fund in the amount of \$14, 945.00 for Residential Development in Downtown Tulsa, representing an additional 3.09% and 95.94% total completion. Draw Request No. 12 is on the Agenda today.

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

- **Hartford Crossing:** The Building Permit has been obtained from the City of Tulsa and the project remains on schedule.
- **Blue Dome Anchor – Hartford Building Project:** The Redeveloper anticipates that Clarion will occupy the building September 2019.

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

On July 31, 2019, the TDA Executive Director and Commissioner Roberts met with the Redeveloper and other investors regarding the project. Further discussion will take place during Executive Session.

E. The Village Flats, LLC:

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

F. Laura Dester Site:

Demolition

On July 11, 2019, the TDA Board of Commissioner's reviewed and approved a Resolution to enter into negotiations with DT Specialized Services for Structural Demolition and Lot Clearance Services for properties located at 1427 E. 8th Street (Laura Dester) and 727 South Troost (House and Garage). The selection of a Respondent is on the Agenda today.

Possible Redevelopment

On July 23, 2019, the TDA Executive Director met with the Redeveloper and Representatives from the City of Tulsa, Stormwater Engineering and Asset Management, as well as the Mayor's Office of Economic and Community Development, to discuss the Terms and Conditions of the Redevelopment Agreement. The Response will be discussed during Executive Session.

G. Block 44, The Ross Group

On July 11, 2019, the TDA Board of Commissioner's reviewed and approved a Resolution authorizing the third draw request in the amount of \$15,324.46 for the relocation of overhead utilities, which represented 83% completion.

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

TDA Executive Director, received information from the Redeveloper that he is currently reviewing the Term Sheet. Upon completion, the Redeveloper will present the Term Sheet to the TDA Board of Commissioner's for review. The timeline for the Redeveloper to commence construction is October 2019.

Kian Kamas, Chief Economic Development Director, stated she has requested that Becky Gligo, Director of Housing and Policy, present what she is working on for the City of Tulsa to the TDA Board of Commissioners in October. Mrs. Kamas also suggested that TDA Executive Director make the connection between Mr. Smith with Mrs. Gligo.

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

On July 11, 2019, the TDA Board of Commissioner's approved a Resolution terminating an existing 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. The anticipated completion date is fall 2019.

K. The Flats on Archer/SATTCOM Investments:

The Flats on Archer Project is complete. The Redeveloper is working with the City of Tulsa to receive a Certificate of Occupancy and the Tulsa Development Authority will dovetail the process by issuing a Certificate of Completion.

L. Urban Renewal Plans/Sector Plan:

- Crutchfield Area Neighborhood:
 - The City of Tulsa WINs Department is operating a HOME Loan and Emergency Loan program in the area to assist under-served citizens in the Crutchfield Neighborhood. For Owner-Occupied, they may qualify to receive up to a \$35,000.00 HOME Loan. After five years, the loan may be forgiven.
- Crosbie Heights Neighborhood:
 - TDA Executive Director and General Counsel plan to attend the Crosbie Heights Neighborhood Association Meeting in August.
- Pearl District Neighborhood:
 - The Tulsa Planning office began the process of getting the plan adopted through the City Council. The City Council Work Session was held on July 31, 2019, to assist with moving the process forward.
- Amendment to the Greenwood/Unity Heritage Neighborhoods Plan:
 - An initial Citizens Advisory Team (CAT) meeting was held on July 11, 2019 and further activity surrounding the proposed Amendment is currently on hold.

M. North Tulsa Tax Increment Financial District:

TDA Executive Director met with Jim Coles of the Mayor's Office of Economic Development to obtain information regarding the North Tulsa TIF. TDA is moving forward with the budget for the overall plan.

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

The deed transferring Title to a portion of the land to Tulsa Public Schools has been filed. The Master Planning RFP should be released in August 2019 and will be open for sixty (60) days.

O. Downtown Housing Study Request for Proposals (RFP)

A draft of the RFP should be complete soon.

P. Dirty Butter- Heritage Hills Extension:

No New Information.

TDA Executive Director provided a detailed Power Point presentation regarding the progress of the existing Redevelopment projects.

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

Ayes: 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 was scheduled for August 1, 2019, Hearing on TDA Motion for Summary Judgment is set for August 28, 2019. Case remains pending.

Other:

- **Novus Homes (Wilkins), CJ-2008-5713:**

Defendant Wilkins has filed an appeal of the judgment and the case 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 have prepared responses. The case remains pending.

6. Quarterly update from Kian Kamas, Chief of Economic Development, City of Tulsa-Office of the Mayor.

Kian Kamas, Chief of Economic Development, provided a detailed PowerPoint presentation on the current and major projects the City of Tulsa is currently working on including: WPX HQ, Muncie Power Products, Nordam, Airport Industrial Property, Downtown Development Project and the Downtown and Near Downtown Housing Study.

7. Discussion, consideration and vote to accept Financial Reports

- a. June 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.

Commissioner Bracy stated TDA needs to replenish the cash flow. Kian Kamas commented she is overseeing an effort to reevaluate how all of the Authorities and Boards in the City operate, and a part of the effort will include identifying additional sources of income, reduction of overall expenses associated with operations and improving overall efficiency of operations.

- b. 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. 6586** approving Tulsa Development Authority (TDA) Financial Report for June 2019 and the Comparative Financial Statements, seconded by Commissioner Boxley. The vote was recorded as follows:

Ayes: Bracy, Roberts and Boxley
Nays: None

The motion passed unanimously.

- c. Credit Card Report – included in the Commissioners’ packets:**
TDA- Staff prepared a P-Card report.

After discussion, Commissioner Bracy moved to approve **Resolution No. 6587** accepting the P-Card Report from TDA in the amount of \$589.03 for charges from January 31, 2019 through June 4, 2019. The motion was seconded by Commissioner Boxley. The vote was recorded as follows:

Ayes: Bracy, Roberts and Boxley
Nays: None

The motion passed unanimously.

- d. Invoice from City of Tulsa, Finance Department – included in the Commissioners packets:** Cheryl Black, Assistant Controller, provided an updated invoice from the COT for April 1 – June 30, 2019, to the Commissioner’s and answered questions.

After discussion, Commissioner Boxley moved to approve **Resolution No. 6588** approving payment of the Invoice from the City of Tulsa, Finance Department in the amount of \$3,474.56 for services rendered from April 1, 2019 through June 30, 2019. The motion was seconded by Commissioner Bracy. The vote was recorded as follows:

Ayes: Bracy, Roberts and Boxley
Nays: None

The motion passed unanimously.

8. Receive, Discuss and Vote:

- a. Discussion, consideration and vote to approve a Resolution to select a Respondent to enter into negotiations with TDA for an Agreement for a Structural Demolition and Lot Clearance Services on TDA-owned property located at 727 South Troost (House and Garage).**

After discussion, on motion by Commissioner Bracy, seconded by Commissioner Boxley, **Resolution No. 6589** was approved to enter into negotiations with DT Specialized Services for an Agreement for a Structural Demolition and Lot Clearance Services on TDA-owned property located at 727 South Troost (House and Garage). The vote was recorded as follows:

Ayes: Bracy, Roberts and Boxley
Nays: None

The motion passed unanimously.

Commissioner Bracy moved to go into Executive Session at 10:01 a.m., seconded by Commissioner Boxley. The vote was recorded as follows:

Ayes: Bracy, Roberts and Boxley
Nays: None

The motion passed unanimously.

9. **Executive Session:** Discussion, consideration and vote to go into Executive Session as authorized by 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 negotiations pertaining to 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 (C)(11)]
 - b. Confidential communication with Counsel regarding authorization of negotiations for 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. [(Title 25 O.S. Section §307(C)(11)]
10. **Vote to Return to Open Session:** Commissioner Bracy moved to return to Open Session at 10:43 a.m., seconded by Commissioner Boxley. The vote was recorded as follows:

Ayes: Bracy, Roberts and Boxley
Nays: None

The motion passed unanimously.

11. 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.

12. Discussion, consideration and vote on items discussed in Executive Session.

- a. Confidential communication with Counsel regarding negotiations pertaining to 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(C)(11).]

After discussion, Commissioner Bracy moved, and Commissioner Boxley seconded **Resolution No. 6590**, 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: Bracy, Roberts and Boxley
Nays: None

The motion passed unanimously.

It was noted and acknowledged by all that if the negotiations with the developers resulted in a development agreement being presented to the Board at the September meeting, termination of negotiations on the demolition of the buildings on the site would have to also be presented to the Board at that meeting.

- b. Confidential communication with Counsel regarding authorization of negotiations for 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. [(Title 25 O.S. Section 307(C)(11).]

No action taken at this time.

13. New Business: None

14. Adjournment: Commissioner Bracy moved to adjourn the meeting at 10:45 a.m., seconded by Commissioner Boxley. The vote was recorded as follows:

Ayes: Bracy, Roberts and Boxley


Nays: None

The motion passed unanimously.

Approved as to legal form and adequacy:

Tulsa Development Authority:


Jot Hartley, Esq., General Counsel

By: 
Nancy Lynn Roberts, Interim Chairwoman

[(8-15-2019 – Regular Meeting Minutes – nt/jm)]