

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 – September 5, 2019
9:00 a.m.

Present:

Nancy Lynn Roberts, Interim Chairwoman
Steve Mitchell, Vice Chairman
Carl Bracy, Commissioner
Thomas Boxley, Commissioner

Absent:

Roy Peters, Chairman

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

Also, Present:

Roger Acebo
Kevin Anderson
Annette Bess
Cheryl Black
Linn Cain
Jim Coles
Nick Doctor
Nathan Garrett
Vanessa Hall-Harper
Travis Hulse
Julie Miner

Also, Present:

Kyle Ofori
Ashley Philippsen
Burlinda Radney
Adam Ross
Darin Ross

Jane Malone
Demauri Myers
Nicole Travis
Carol Young

The Regular Meeting was called to order at 9:03 a.m. by Interim Chairwoman Roberts. 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: Interim Chairwoman Roberts, Commissioner Bracy and Commissioner Boxley were present. Vice Chairman Mitchell arrived at 9:04 a.m. Commissioner Peters was absent. A quorum was present.

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

- a. Minutes of August 1, 2019 Regular Meeting.
- b. Minutes of August 1, 2019 Executive Session Meeting.
- c. Discussion, consideration and vote to approve a Resolution for the 13th Draw Request in the amount of \$9,849.00 representing 99.80% completion, from 403 Cheyenne, LLC, as assignee of Addax Development, Inc., to receive a loan from Downtown Development and Redevelopment Fund.

After discussion, Commissioner Boxley moved to approve the minutes, Agenda Items 2.a. and 2.b., and 2.c., payment of the 13th Draw Request, seconded by Commissioner Bracy, as follows: - **Resolution No. 6591** approving payment of Advance No. 13 in the amount of \$9,849.00 to 403 Cheyenne, LLC pursuant to a Loan Agreement for the 403 Cheyenne Project. The vote was recorded as follows:

Ayes: Roberts, Mitchell, Bracy, 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 complete. A final draw request will be presented soon.

B. Adams Building - 403 Cheyenne, LLC:

On August 1, 2019, the TDA Board of Commissioner's reviewed and approved Draw Request No. 12 from the Downtown Development and Redevelopment Fund in the amount of \$9,065.00 for Residential Development in Downtown Tulsa, representing an additional 2.01% and 99.80% total completion. Draw Request No. 13 is on the Agenda today.

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

- **Hartford Crossing:** The Redeveloper is in the process of completing the foundation and infrastructure. The project remains on schedule.

- **Blue Dome Anchor – Hartford Building Project:** The Redeveloper has successfully signed the third tenant Merrick, for the existing Hartford Building. They are currently in the process of planning their future space on the first floor. The second tenant (The Root, formerly HQ) has an anticipated September occupancy. The Hartford Building is expected to be fully occupied by early 2020.
- Commissioner Bracy inquired about the number of employees for this project. TDA Executive Director stated he will provide the count of employees during the October Board meeting.

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

On August 12, 2019, the TDA Executive Director and General Counsel Hartley met with representatives of Pearl Development and Endeavor Holdings to begin negotiations for an Assignment Agreement to the Existing Agreement.

On August 19, 2019, all parties reconvened to review the material, and provide TDA’s General Counsel with information to begin drafting the Terms and Conditions of the Agreement. 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:

Possible Redevelopment

On August 12, 2019, the TDA Executive Director and the representatives of the City of Tulsa met with Amenome, LLC to discuss the Terms and Conditions of a Redevelopment Agreement. Further discussion will take place during Executive Session.

Demolition

On August 1, 2019, the TDA Board of Commissioner’s reviewed and approved a Resolution to enter into an Agreement for Services with DT Specialized Services for Structural Demolition and Lot Clearance Services for property located at 727 South Troost (House and Garage). Once the structure is demolished and cleared, the TDA Executive Director will meet with the Tulsa Planning Office to discuss possible future development uses for the site.

G. Block 44, The Ross Group

The Redeveloper has requested the 4th Draw Request for the project that represents 90% completion for burial of the overhead utilities.

Commissioner Boxley reported he spoke with Kristi Williams, of the African Ancestral Society who is currently gathering artwork and pictures to help move the project forward. Mr. Boxley also stated that Tom Biolchini has had conversations with various groups, met and presented with the Greater Tulsa African American Affairs Commission, as well as received feedback regarding additional ways that would be acceptable and effective in honoring and paying homage to the Greenwood District.

Commissioner Bracy reported he met with representatives regarding the Darwin Brown Memorial. He also added that Vast Bank was a possible location site for the Memorial. Mr. Bracy further stated, they will move forward with a meeting and will provide more information during the October Board meeting.

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

TDA Executive Director reported that Michael Smith, Developer, will have the opportunity to meet with Becky Gligo, Housing Policy Director, and Kian Kamas, Chief of Economic Development upon his return to Tulsa, to discuss LiTech and how to provide affordable market rate apartments in North Tulsa. Mr. Smith is currently in the process of executing a Term Sheet for the multi-family portion of the Morton's Reserve Project.

I. East Latimer Project/Capital Homes, LLC:

The project has six (6) homes under construction and is approximately 90% complete. There are currently 140 families on the wait list.

Vice Chairman Mitchell suggested that TDA formulate a program designed to help individuals who are interested in building or buying a home on property owned by TDA. He also advised TDA to collaborate with David Charney, as well as other developers, in an effort to move this potential program forward.

Interim Chairwoman Roberts suggested that the TDA staff work on what Vice Chairman Mitchell recommended and bring it back to the board for review and approval.

J. The Flats on Archer/SATTCOM Investments:

The project is complete. The Redeveloper has one more advance request that represents 100% completion of the project.

K. Urban Renewal Plans/Sector Plan

- Crutchfield Area Neighborhood:
 - TDA is partnering with the Tulsa Planning Office on September 6, 2019, for the United Way "Day of Caring" spearheaded by the Tulsa Planning Office. TDA will work on specific tasks to ensure their efforts will contribute to a cleaner and healthier neighborhood.

- Crosbie Heights Neighborhood:
 - TDA Executive Director and General Counsel plan to meet with the Crosbie Heights Residents soon regarding the final edits of the Sector Plan.
 - Vice Chairman Mitchell inquired about the remaining lots currently owned by TDA. He suggested that any lots TDA has owned for ten (10) or more years, be considered as part of a program with an incentive such as Down- Payment Assistance. He also recommended TDA meet with David Charney, as well as other developers, to participate in the potential program.
 - Interim Chairwoman Roberts also recommended that TDA bring other developers to the table to make the process easier.
 - Commissioner Boxley agreed it would further benefit TDA to broaden the pool of developers in its working portfolio.

- Amendment to the Greenwood/Unity Heritage Neighborhoods Plan:
 - Nick Doctor, Chief of Community Development and Policy, provided an update on the Greenwood Unity Heritage Plan and next steps. He plans on meeting with the Citizens Advisory Team (CAT) in the next month to discuss ways of continuing their involvement in both the Downtown Housing Study and Master Planning process. He also stated they will have conversations about when and where eminent domain may or may not be appropriate. Plans and information will be available to help guide those conversations.
 - Commissioner Boxley stated the gap in communication must be closed. Commissioner Bracy also added that the communication needs to be consistent and timely to allow the CAT members to stay informed of the process moving forward and ensure the roles are well defined on both sides.
 - General Counsel Hartley commented that this process was not undertaken just to add eminent domain. It was undertaken to qualify as an Urban Renewal Plan under the law. One of the items included in the plan is the power of Urban Renewal Authority to acquire properties using eminent domain. However, the Urban Renewal Plan presented many opportunities for TDA and the City of Tulsa. Counselor Hartley further stated that TDA followed every statutory requirement.

- Interim Chairwoman Roberts stated that legally TDA did what was required; however, the community did not feel they received what was needed. Mrs. Roberts suggested TDA take steps that are not legally required in order to build our community, which is essential for the growth of the City of Tulsa.
- Pearl District Neighborhood
 - The Small Area Plan is in the process of being adopted.

L. North Tulsa Tax Increment Financial District:

TDA Staff has made great strides in gathering the information needed for the North Tulsa TIF. The City of Tulsa has recommended the TDA Staff proceed and move forward.

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

Ashley Philippsen, Deputy Chief of Community Development and Policy, provided an update on the RFP. At this time, there is no definitive date, but she is hopeful it will be in the next few weeks. Upon release, Respondents will have sixty (60) days to respond. Interim Chairwoman Roberts complimented Mrs. Philippsen on her work and looking forward to future collaboration.

N. Downtown Housing Study Request for Proposals (RFP)

The TDA Executive Director will meet with the consultants for the Downtown Housing Study today.

O. Dirty Butter- Heritage Hills Extension:

No New Information.

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

Ayes: Roberts, Mitchell, Bracy, 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:**
Hearing on TDA Motion for Summary Judgment held on August 20, 2019. Motion denied on August 28, 2019. Case set for Scheduling Conference on September 5, 2019 at 1:30 p.m. If it is not resolved, there will be a trial in 2020. 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. On August 16, 2019, the Oklahoma Court of Civil Appeals affirmed the Trial Court's judgment in favor of TDA. The case has been decided in favor of TDA and will be closed.
- **Novus Homes (Wilkins), CV-2016-998:**
The Pretrial has been set for September 23, 2019. Plaintiff has submitted its First Discovery Requests. TDA General Counsel and Special Counsel have prepared responses.

Interim Chairwoman Roberts suggested General Counsel facilitate an Open Meeting or Open Records Training to educate the Board and Staff of the changing laws. Commissioner Boxley also recommended the TDA Board and Staff host an Annual Training on Sunshine Laws for Professional Development. Commissioner Bracy further stated it was a process of improvement.

Jim Coles, Economic Development Director, suggested the City of Tulsa will be an excellent resource for training on Open Records.

6. Discussion, consideration and vote to accept Financial Reports

- a. July 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.

- 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.

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

- d. TIF Report:** Cheryl Black, Assistant Controller, provided an update report and answered questions.

After discussion, Commissioner Mitchell moved to accept the Reports and approve the following Resolutions:

Resolution No. 6592 approving Tulsa Development Authority (TDA) Financial Report for July 2019, and the Comparative Financial Statements.

Resolution No. 6593 approving acceptance of P-Card Report from the Tulsa Development Authority in the amount of \$959.25 for charges from July 8, 2019 through July 24, 2019.

Resolution No. 6594 approving acceptance of Tax Increment Financing (TIF) Districts Report.

The motion was seconded by Commissioner Bracy and the vote was recorded as follows:

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

The motion passed unanimously.

7. Receive, Discuss and Vote:

- a. Discussion, consideration and vote to approve a Redevelopment Agreement with Zebra Development, LLC to use funds from the North Peoria TIF for construction of infrastructure improvements to enable egress and ingress to land located East of Peoria Avenue and South of Mohawk Blvd., Tulsa, Oklahoma.

After discussion, on motion by Commissioner Bracy, seconded by Commissioner Boxley, **Resolution No. 6595** approving an Allocation of Expenditure from Tax Increment District No. 4 (a/k/a North Peoria TIF) for an Infrastructure Improvement Redevelopment Agreement with Zebra Development, LLC to provide Infrastructure for the Project located at the Southeast Corner of North Peoria Avenue and East Mohawk Blvd., Tulsa Oklahoma. The vote was recorded as follows:

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

The motion passed unanimously.

- b. Discussion, consideration and vote to approve a Resolution authorizing the re-appropriation of funds from Fund No. 712 to provide Tornado Relief assistance to under-served families affected by the March 30, 2016, storm in Tulsa, Oklahoma for property located at 550 East Young Street, Tulsa, Oklahoma.

After discussion, on motion by Commissioner Boxley, seconded by Commissioner Bracy **Resolution No. 6596** approving transfer of TDA Funds to TDA Fund No. 712 and Re-Authorization for Expenditure of Funds to provide Tornado Relief assistance to under-served families affected by the March 30, 2016 storm. The vote was recorded as follows:

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

The motion passed unanimously.

Commissioner Bracy moved to go into Executive Session at 10:02 a.m., seconded by Commissioner Boxley. The vote was recorded as follows:

Ayes: Roberts, Mitchell, Bracy 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)(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 status of negotiations for the terms and conditions of 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).]

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

Ayes: Roberts, Mitchell, Bracy 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. No action taken at this time regarding redevelopment of the Laura Dester site.
- b. No action taken at this time regarding status of negotiations of the Terms and Conditions of 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.

12. **New Business:** None

13. Adjournment: Commissioner Boxley moved to adjourn the meeting at 10:55 a.m., seconded by Commissioner Bracy. The vote was recorded as follows:

Ayes: Roberts, Mitchell, Bracy 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

[9-5-2019 – Regular Meeting Minutes – nt/jm]