

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 – October 3, 2019
9:00 a.m.

Present:

Nancy Lynn Roberts, Chairwoman
Roy Peters, Commissioner
Thomas Boxley, Commissioner

Absent:

Steve Mitchell, Vice Chairman
Carl Bracy, Commissioner

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

Also, Present:

Kevin Anderson
Annette Bess
Cheryl Black
Linn Cain
Arthur Candler
Nathan Garrett
Lamar Guillory
Travis Hulse
Rhett Morgan
Burlinda Radney
Adam Ross

Also, Present:

Darin Ross
Anthony Vice
Dennis Whitaker
Kandi White

Jane Malone
Demauri Myers
Nicole Travis
Carol Young

The Regular Meeting was called to order at 9:55 a.m. by 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: Chairwoman Roberts, Commissioner Peters, Commissioner Boxley were present. Vice Chairman Mitchell and Commissioner Bracy were absent. A quorum was present.

Chairwoman Roberts presented a plaque to Commissioner Peters commemorating his 10 years of Guidance and Leadership as a Board Member and Chairman of the Board of Commissioners.

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

- a. Minutes of September 5, 2019 Regular Meeting.
- b. Minutes of September 5, 2019 Executive Session Meeting.
- c. Discussion, consideration and vote to approve a Resolution for the 14th Draw Request in the amount of \$980.00 representing 100% completion, from 403 Cheyenne, LLC, as assignee of Addax Development, Inc., to receive a loan from Downtown Development and Redevelopment Fund.

After discussion, Commissioner Peters moved to approve the minutes, Agenda Items 2.a. and 2.b., and 2.c., payment of the 14th Draw Request, seconded by Commissioner Boxley, as follows: - **Resolution No. 6597** approving payment of Advance No. 14 in the amount of \$980.00 to 403 Cheyenne, LLC pursuant to a Loan Agreement for the 403 Cheyenne Project. The vote was recorded as follows:

Ayes: Roberts, Peters 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:

No new information.

B. Adams Building - 403 Cheyenne, LLC:

The project is complete, and a tour will be scheduled soon. Draw Request No. 14 is on the Agenda today.

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

- **Hartford Crossing:** The Construction is currently in progress, and the project remains on schedule.

- **Blue Dome Anchor – Hartford Building Project:** Both tenants, Clarion and The Root have established occupancy. The third tenant (Merrick) is currently in the process of working with an architect to begin interior remodeling of their space that will be completed toward the end of fall. Clarion has approximately 120 employees in the building.

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

The Redeveloper provided TDA with copies of receipts and invoices to review and consider what qualifies for reimbursable expenditures. Further discussion will take place during Executive Session.

E. The Village Flats, LLC:

Nathan Garrett, with the Tulsa Property Group, provided an update, indicating the project is progressing well and remains on schedule.

F. Laura Dester Site:

Possible Redevelopment

On October 2, 2019, TDA Executive Director and TDA General Counsel met with the Redevelopers to review the Redevelopment Agreement. On October 16, 2019, TDA will make a request to the City Council for an extension of time to negotiate the Redevelopment Agreement. Further discussion will take place in Executive Session.

Demolition – 727 S. Troost

The Contract for Services will be executed by Chairwoman Roberts. Once the contract is executed, it will take approximately one week to complete the Demolition of 727 S. Troost (house and garage).

G. Vast Bank - Block 44, The Ross Group

The Redeveloper collaborated with Hannibal Johnson, Author, to draft a document generated by Vast Bank, that provided an overview of the Greenwood District, emphasizing the history on how it began and the direction it is headed.

TDA Executive Director, reported that the Redeveloper plans to attend the next board meeting on November 7, 2019, to present the final details pertaining to the Greenwood District. Mr. Walker also stated, the Redeveloper has indicated interest to Amend the Redevelopment Agreement, by removing the Darven Brown portion from the Redevelopment Agreement and add it to his project as presented, but also have it scheduled with stadium ball trust to recognize Darven Brown in an acceptable manner.

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

On October 2, 2019, TDA Executive Director O.C. Walker, spoke with Michael Smith who has had conversations with Dorman Group Holdings, LLC (Dorman Group), who has expertise in Opportunity Zones. The Dorman Group has high expectations about the multi-family portion of the Redevelopment Project. A conference call will take place on October 8, 2019, to discuss the details on how to move the project forward. More information will be provided during the November board meeting.

I. East Latimer Project/Capital Homes, LLC:

The Redeveloper reported that the first six (6) homes will be complete by Fall 2019. There are currently 6 plans in review for permit. Once those are issued, construction will commence on the additional homes.

TDA Executive Director, reported he met with Vice Chairman Mitchell, and Becky Gligo, Director of Housing and Policy, to come up with plans and ideas on how to expand TDA's portfolio and to attract projects for North Tulsa. Mr. Walker and Mrs. Gligo are collaborating, to form a potential program designed to assist first time buyers and to provide down payment assistance for safe and sanitary housing.

Commissioner Boxley suggested we consider working with other developers that may not have had opportunities in the past to participate in large-scale development and provide them with an opportunity to work with more experienced developers.

Commissioner Peters suggested TDA schedule a meeting with Tulsa Housing Authority.

J. The Flats on Archer/SATTCOM Investments:

The project is complete. The Redeveloper is working with the City of Tulsa to receive a Certificate of Occupancy.

K. Urban Renewal Plans/Sector Plan

- Crutchfield Area Neighborhood:
 - On September 6, 2019, TDA participated in the United Way "Day of Caring" spearheaded by the Tulsa Planning Office at INCOG.
 - The Working in Neighborhoods Division (WIN) of the City of Tulsa have Rehabilitation Loans available for up to \$35,000.00 to assist homeowners with needed repairs. After five years of continued homeowner occupancy, the loan may be forgiven.

- Crosbie Heights Neighborhood:
 - TDA Executive Director will contact the Crosbie Heights Neighborhood Representative within the next two weeks to inquire about TDA being added to their agenda for further discussion of the Sector Plan during their next meeting.
- Pearl District Neighborhood:
 - The Small Area Plan has been approved by the Tulsa City Council.
- Amendment to the Greenwood/Unity Heritage Neighborhoods Plan:
 - Tulsa Development Authority is currently working with the Mayor's Office and the Tulsa City Council to determine a definitive date in late October for the next Citizens Advisory Team (CAT) meeting.

L. North Tulsa Tax Increment Financial District:

TDA Staff has completed identifying parcels along North Peoria Avenue, East Pine Street and East Admiral Blvd. TDA will schedule a meeting with Jim Coles, Director of Economic Development, to ensure we are moving in the right direction.

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

Nick Doctor, Chief of Community Development and Policy, and Janine VanValkenburg, City Legal, met with TDA Executive Director to draft Restrictive Language for interim use groups on the land.

Ashley Philippsen, Deputy Chief of Community Development and Policy, reviewed the proposed Request for Proposal (RFP) with the TDA Board of Commissioners to gain input and feedback from each member. The RFP will be released in October 2019. Upon release, Respondents will have sixty (60) days to respond.

N. Downtown Housing Study Request for Proposals (RFP)

On September 5, 2019, TDA Executive Director met with the consultant for the Downtown Housing Study. A presentation was placed on the TDA website, together with Tulsa Planning Office and the City of Tulsa websites for citizens to view. The Downtown Housing Study should be complete in December 2019.

O. Dirty Butter- Heritage Hills Extension:

No New Information.

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

Ayes: Roberts, Peters 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 Counselor 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:**
Scheduling Conference held on September 5, 2019. Discovery cutoff is January 15, 2020. Pretrial Conference set for April 6, 2020 at 10:30 a.m. 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 Conference was held on September 5, 2019. Case set for non-jury trial on October 31st and November 1, 2019, subject to witness availability. Case remains pending.

6. Discussion, consideration and vote to accept Financial Reports

a. **August 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. **Credit Card Report – included in the Commissioners' packets:**
The original statement was provided.

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

Resolution No. 6598 approving Tulsa Development Authority (TDA) Financial Report for August 2019.

Resolution No. 6599 approving acceptance of Credit Card Report from the Tulsa Development Authority in the amount of \$831.38 for charges from July 25, 2019 through September 4, 2019.

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

Ayes: Roberts, Peters and Boxley
Nays: None

The motion passed unanimously.

7. Receive, Discuss and Vote:

a. Discussion, consideration and vote to approve a Resolution to enter into a Contract with Jesse L. Wright and Cheryl V. Wright to purchase TDA owned property located at 2020 North Hartford Avenue, Tulsa, Oklahoma, Dirty Butter – Heritage Hills Extension.

After discussion, on motion of Commissioner Peters, seconded by Commissioner Boxley, **Resolution No. 6600** approving Contract for the Sale of Land for Private Redevelopment of TDA owned Lot located at 2020 North Hartford Avenue, Tulsa, Oklahoma, Dirty Butter – Heritage Hills Extension. The vote was recorded as follows:

Ayes: Roberts, Peters and Boxley
Nays: None

The motion passed unanimously.

- b. Discussion, consideration and vote to approve a Resolution approving the transfer of TDA owned land to the City of Tulsa located at 1643 North Greenwood Avenue, Tulsa, Oklahoma.

After discussion, on motion of Commissioner Peters, seconded by Commissioner Boxley **Resolution No. 6601** approving the transfer of TDA owned land to the City of Tulsa located at 1643 North Greenwood Avenue, Tulsa, Oklahoma. The vote was recorded as follows:

Ayes: Roberts, Peters and Boxley
Nays: None

The motion passed unanimously.

- c. Discussion, consideration and vote to approve a Resolution approving Restrictive Language for TDA owned land located north of the Inner Dispersal Loop (IDL), former UCT Land.

After discussion, on motion of Commissioner Peters, seconded by Commissioner Boxley, this item was tabled.

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

Ayes: Roberts, Peters 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 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. [(Title 25 O.S. Section §307(C)(11).]
 - c. Confidential communication with Counsel regarding pending litigation for property located at 744 East Pine Street, Tulsa, Oklahoma, and recommendation to retain special counsel for TDA. (Case No. CV-2017-1049.) (Rupe Helmer Group/Tulsa 18537, LLC-Dollar General Project.) [25 O.S. §307(b) (4) and §307 (c)(10).]
 - d. Confidential communication with Counsel regarding pending litigation filed by Wilkins in Case No. CV-2016-998. [25 O.S. §307(b) (4) and §307(c) (10).]
9. **Vote to Return to Open Session:** Commissioner Peters moved to return to Open Session at 11:23 a.m., seconded by Commissioner Boxley. The vote was recorded as follows:

Ayes: Roberts, Peters 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.

None.

12. New Business: Chairwoman Roberts, recognized Commissioner Bracy on 22 years of service on the Tulsa Development Board of Commissioners. Mrs. Roberts stated his historical experience, knowledge and understanding is invaluable to TDA.

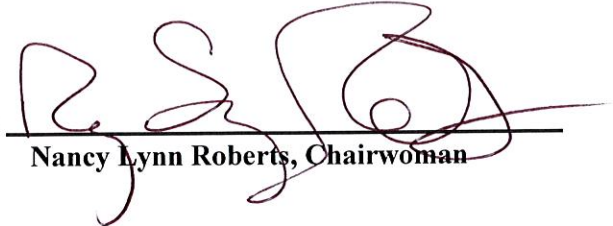
13. Adjournment: Chairwoman Roberts adjourned the meeting at 11:26 a.m.

Approved as to legal form and adequacy:

Tulsa Development Authority:



Jot Hartley, Esq., General Counsel

By: 

Nancy Lynn Roberts, Chairwoman

[(10-7-2019 – Regular Meeting Minutes – nt-jm)]