

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 – January 9, 2020
9:00 a.m.

Present:

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

Jot Hartley, General Counsel

Also, Present:

Kevin Anderson
Dawn Baccus
Annette Bess
Cheryl Black
Linn Cain
Jim Coles
Nathan Garrett
Sheena Gear
Walker Hanson
Travis Hulse
Jamie Jamieson
Kian Kamas
Josh Kunkel
Julie March

Absent:

O.C. Walker, Executive Director

Also, Present:

Julie Miner
Rhett Morgan
Camille Owens
Casey Stowe
Rose Washington
Dennis Whitaker
Cecilia Wilkins

TDA Staff Present:

Jane Malone
Demauri Myers
Nicole Travis
Carol Young

The Regular Meeting was called to order at 9:03 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, Vice Chairman Mitchell, Commissioner Bracy, Commissioner Boxley and Commissioner Philippsen were present. A quorum was present.

2. **Request to Remove Items from the Consent Agenda.**

None.

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

- a. 3.a.- Minutes of December 5, 2019 Regular Meeting.
- b. 3.b.- Minutes of December 5, 2019 Executive Session Meeting.
- c. 3.c.- Minutes of December 19, 2019 Special Meeting.
- d. 3.d.- Minutes of December 23, 2019 Special Meeting.
- e. 3.e.- Minutes of December 23, 2019 Executive Session Special Meeting.
- f. 3.f.- **Resolution No. 6624** approving payment of Advance No. 7 in the amount of \$16,390.61 to Price Family, LLC pursuant to a Loan Agreement for construction of a Parking Garage representing an additional 7% of total completion and 100% completion of the redevelopment project with an aggregate Advance Request amount of \$1,670,000.00.

After discussion, Commissioner Bracy moved to approve the minutes, Agenda Items 3.a., 3.b., 3.c., 3.d., 3.e., and 3.f. Commissioner Boxley seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

4. **Consideration of Items Removed from Consent Agenda (Separate vote on each item)**

None.

5. **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.**

In the absence of the Executive Director, O.C. Walker, Chairwoman Roberts reviewed the Executive Director's Report as previously prepared prior to December 19th by Mr. Walker and as updated by Chairwoman Roberts with the events that took place following that date.

A. Price Family Parking Garage Project - Price Family Parking, LLC:

During the December 5, 2019, Regular Board Meeting, TDA's General Counsel was instructed to review the Amended Promissory Note from Price Family Parking, LLC to determine when the term commenced and the provisions regarding acceleration upon sale of the property. Following the review, it was discovered the Promissory Note is due and payable in the amount of \$1,670,000. on February 2, 2030, absent default, sale of the property or refinancing of the permitted First Mortgage in excess of \$6,000,000.00. On the Agenda today, for the 7th Draw Request.

B. Adams Building - 403 Cheyenne, LLC:

The project is essentially complete, and the final Draw Request has been made. The term of the Redevelopment Agreement states the loan repayment is due on May 29, 2025, in the amount of \$490,000.00.

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

- **Hartford Crossing - 111 S. Greenwood Ave.** On December 5, 2019, the TDA Board of Commissioner's reviewed and approved Draw Request #1 in the amount of \$80,867.32 for Residential Development in Downtown Tulsa, representing 13% total completion.
- **Blue Dome Anchor – Hartford Building Project - 110 S Harvard Ave.**
No new information.

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

This item will be discussed during Executive Session.

E. The Village Flats, LLC:

This item will be discussed during Executive Session.

F. Laura Dester Site:

Possible Redevelopment

This item will be discussed during Executive Session.

Demolition

Both structures at 727 South Troost have been demolished.

G. Vast Bank - Block 44, The Ross Group:

TDA's General Counsel is currently in the process of arranging a meeting with members of the Tulsa Stadium Trust Authority to discuss a possible location for

the Darven Brown commemorative bust or plaque. Once a meeting is arranged, TDA will plan to move forward with the amendment to the Redevelopment Agreement.

TDA Chairwoman Roberts, suggested all efforts should be made to finalize the location for the Darven Brown bust or plaque. She also mentioned Commissioner Bracy has volunteered to help facilitate and ensure Darven Brown is recognized in the best way.

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

The Redeveloper will provide an update to the TDA Board of Commissioners' during the February Regular Board Meeting.

I. East Latimer Project/Capital Homes, LLC:

TDA is awaiting on a revised Special Warranty Deed to execute the remaining lots.

J. The Flats on Archer/SATTCOM Investments:

The project is complete. The term of the Redevelopment Agreement states the Redeveloper is to repay TDA in the amount of \$750,000.00 by June 7, 2021.

K. Urban Renewal Plans/Sector Plan:

- Crutchfield Area Neighborhood:
 - No new information.
- Crosbie Heights Neighborhood:
 - No new information.
- Pearl District Neighborhood:
 - No new information.
- Amendment to the Greenwood/Unity Heritage Neighborhoods Plan:
 - The Unity Heritage Citizens Advisory Team (UHCAT) next meeting is scheduled for 6:00 p.m., on January 28, 2020, at Rudisill Regional Library.

L. North Tulsa Tax Increment Financial District:

TDA Staff is currently in the process of reviewing the TIF map to determine the highest and best use for each property in relation to current plans, as well as creating a budget for use of funding that will be generated by incremental revenues generated by future growth in property values and sales tax collections in the TIF Project Area.

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

The RFP was released in December 2019 and approximately sixty-five (65) consultants have expressed interest regarding the project. The RFP will be open for sixty (60) days to receive responses.

N. Downtown Housing Study Request for Proposals (RFP):

On the Agenda today, a draft of the Downtown Housing Study will be presented. TDA Chairwoman, is currently acting as Interim Executive Director and will attend debriefing sessions in January to provide feedback before the Draft presentation is transformed into a Final Study and Plan. A meeting has been scheduled for the Commissioners and City of Tulsa Authorities and Boards on January 23, 2020. Vice Chairman Mitchell and Commissioner Bracy will attend on behalf of TDA.

TDA Chairwoman Roberts commended the TDA staff for their efforts and willingness to go above and beyond to ensure things are moving forward. Looking ahead, TDA will follow-up on the housing strategy to determine what needs to be done as a group to collectively move forward with the implementation and ideas for housing in the Downtown and surrounding areas of Tulsa.

O. Dirty Butter- Heritage Hills Extension:

On the Agenda today, a request for TDA Board of Commissioners to enter into a Contract for Sale of Land for Private Redevelopment with Leroy H. Alfred to construct a single-family dwelling on TDA owned property located at 1960 N. Hartford Avenue, Tulsa, Oklahoma.

On the Agenda today, a request for TDA Board of Commissioners to enter into a Contract for Sale of Land for Private Redevelopment with Angela Guillory and Darrin Guillory to construct a single-family dwelling on TDA owned property located at 1980 N. Hartford Avenue, Tulsa, Oklahoma.

After discussion, Commissioner Bracy moved to accept TDA's Executive Director's Report for January 2020. Commissioner Philippsen seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

6. City of Tulsa, Mayor's Office of Economic Development, Kian Kamas:

- a. Monthly Update regarding Community and Economic Development Strategic Planning

Kian Kamas, Chief of Economic Development, provided a detailed report regarding the Strategic Planning Process regarding the RFP. Mrs. Kamas stated the working committee met on December 5, 2019 and selected four (4) firms to

conduct the video interviews. The video interviews were conducted on December 13, 2019. Following the results from the interviews, the City have identified the top two (2) firms.

Kamas indicated a conference call will be scheduled soon for further discussion and is hopeful a decision will be made, as well as the Mayor's blessing, concerning who the committee will recommend. Kamas stated she is confident the top two (2) firms are quality firms. She further stated there are some small nuances which means the experience can lead to different outcomes.

Commissioner Bracy inquired if the two firms are internal or external to the City.

Kamas responded and stated the two firms are external. Most of the firms that submitted had a local counterpart that will help with Community Outreach and Engagement.

Chairwoman Roberts affirmed that this is the collaborative environment that the City is hoping to build as a result of the effort of this committee. Roberts stated the committee members have observed how siloed the authorities were and how it is imperative for the authorities to work more in collaboration. Each authority has diverse responsibilities, assets and functions, but they affect one another. Ultimately, the goal is getting to a place where all the authorities are in communication, but independently functioning. This effort is to identify how to best structure Tulsa to move into a new phase of growth and development.

Kamas added they are anticipating a decision soon. Once a decision has been made the working committee will make the formal recommendation to the purchasing department.

b. Monthly update on Unity Heritage Citizens Advisory Team and next steps

Kian Kamas, Chief of Economic Development, provided an updated report regarding the Unity Heritage Citizens Advisory Team (UHCAT). Kamas stated the UHCAT met on November 18, 2019. She indicated the meeting was extremely productive and a significant amount of time was spent focusing on topics and issues the UHCAT desires to learn more about which ultimately broke down in several key areas including: Urban Renewal 101, helping them understand what Urban Renewal is and how it is exercised and Economic Development and Economic Development Tools. Other topics and issues that were discussed were strategies to minimize gentrification displacement, as well as affordable housing and the Downtown Housing Study that is currently being conducted. Kamas further stated the goal is to help the UHCAT better understand those topics so they can assist with the implementation of the sector plan that governs that area.

c. Update to TDA Board on the Downtown Housing Study, Development Strategies

Travis Hulse, Tulsa Planning Office introduced Development Strategies who joined by call to provide a general overview of the work that's been completed since the Housing Study began in June 2019, as well as provide next steps and the direction its headed. Hulse also mentioned the consultants will arrive in Tulsa on January 23, 2020, for a drop-in session from 9:30 a.m. to 10:30 a.m. An invitation was extended to the TDA Board of Commissioners to have the opportunity to ask any additional questions.

Justin Carney, Development Strategies provided a detailed draft presentation on the Downtown Housing Study. He indicated the goal of the current effort was to reassess the potential for residential development in the study area with a new focus on; Engaging communities in and around Downtown, Identifying opportunities to align investments with community priorities, as well as Identifying tools that address the housing needs of all residents. During the next visit to Tulsa, the Consultants plan to facilitate an alignment workshop focusing on the priorities for the strategy and aligning those with the different entities.

Miriam Keller, Development Strategies provided a detailed draft presentation on Strategies of the Housing Study. She discussed five (5) overarching goals that included: Affordable Housing, Economic Development and Competitiveness, Homeownership, Housing as Opportunity and Stabilization and Quality of Life. Keller presented on strategies 1, 2 and 7 that were more in relation to TDA and their role.

Strategy 1: Support and expand attainable homeownership opportunities. Keller stated this is the role of financial assistance for homeownership that could potentially involve reprioritizing existing resources such as; Community Development Block Grant (CDBG) or home funds that will create new resources, as well as a Greenlining Fund an emerging tool for promoting residential investment in neighborhoods where values are depressed as a result of historic disinvestment. She indicated the Laura Dester site would be an excellent opportunity to generate funds that could in turn be used to support repair for homeowners by formulating a home repair program offering grants and loans to low to moderate income homeowners in the area.

Strategy 2: Address vacant and abandoned properties.

Strategy 7: Community Development Ecosystem. Utilize existing sources through CDBG and home to build capacity and explore creation of a Housing Community Development Financial Institution (CDFI).

Commissioner Bracy inquired about the funding sources regarding the home repair improvement program with the Laura Dester proceeds.

Miriam Keller responded and stated she will discuss further to see what the options are regarding those funds.

Chairwoman Roberts commended Development Strategies on identifying what the consumer needs. She inquired about an evaluation of what the cost was to build affordable housing and whether the developers could achieve profitability at the price points for the cost of the building relative to the rental rates for affordability that they will be expected to meet. Roberts also requested that developer-oriented data be added into the final presentation for the public. She emphasized that helping the consumers be able to pay for the rent will only work if we have developers who can be profitable at those rent rates. She explained that TDA enters into contracts with developers to help make their revitalization efforts financially realistic in environments where it otherwise is not realistic. To make good decisions, TDA will need this developer-oriented data to be added.

Miriam Keller responded and stated they have licensed appraisers who know the cost of development. She also stated as the report develops, they will identify what was tested, as well as the cost to deliver a product, versus value in the marketplace and in terms of getting a loan.

Chairwoman Roberts mentioned that TDA and possibly other housing groups will have an interest in the data due to TDA currently assisting developers to bring those things to the market. She also mentioned having the detail and understanding around what's feasible and what's not, will enable us to make good decisions in our development strategies and decisions.

7. General Counsel:

- a. **Pending Litigation Report was included in the Commissioner's packet:** 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**
Scheduling Conference to be held on January 21, 2020.
Pretrial Conference set for March 25, 2020.
Jury trial set for April 13, 2020. Case remains pending.

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:**
TDA will file a motion asking the court to determine the case moot.

Other:

- **Novus Homes (Wilkins), CV- 2016-998:**
Non-jury trial held on October 31, 2019. Judge Drummond took the matter under advisement and will render a decision after Plaintiffs have filed their brief in response to TDA's Motion to Dismiss for Mootness. Plaintiff's brief filed November 18, 2019. On November 22, 2019, Judge Drummond granted TDA's Motion to Dismiss the case on the grounds of mootness. Unless the Plaintiffs file an appeal, the case is completed in TDA's favor. Case remains pending.

8. Discussion, consideration and vote to accept Financial Reports

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

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

Resolution No. 6625 approving the Tulsa Development Authority (TDA) Financial Report for November 2019.

Resolution No. 6626 approving acceptance of the P-Card Report from the Tulsa Development Authority in the amount of \$708.54 for charges from November 5, 2019 through December 4, 2019.

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

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

The motion passed unanimously.

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

- a. Discussion, consideration and vote to approve a Resolution to enter into a Contract for Sale of Land for Private Redevelopment with Leroy H. Alfred for TDA owned property located at 1960 North Hartford Avenue, Tulsa, Oklahoma (Dirty Butter) for the amount of \$12,000.00.

After discussion, Commissioner Boxley, moved to accept **Resolution No. 6627** approving Contract for the Sale of Land for Private Redevelopment with Leroy H. Alfred for sale and purchase of TDA owned Lot located at 1960 North Hartford Avenue, Tulsa, Oklahoma for the amount of \$12,000.00. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- b. Discussion, consideration and vote to approve a Resolution to enter into a Contract for Sale of Land for Private Redevelopment with Darrin Guillory and Angela Guillory for TDA owned property located at 1980 North Hartford Avenue, Tulsa, Oklahoma (Dirty Butter) for the amount of \$12,000.00.

Carol Young, TDA Staff provided an update on both TDA owned Lots located at 1960 North Hartford Avenue, Tulsa, Oklahoma and 1980 North Hartford Avenue, Tulsa, Oklahoma.

Chairwoman Roberts complimented Mrs. Young on doing an excellent job in the North Tulsa community to ensure redevelopment is progressing.

After discussion, Commissioner Boxley, moved to accept **Resolution No. 6628** approving Contract for the Sale of Land for Private Redevelopment with Darrin Guillory and Angela Guillory for TDA owned property located at 1980 North Hartford Avenue, Tulsa, Oklahoma (Dirty Butter) for the amount of \$12,000.00. Vice Chairman Mitchell seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- c. Discussion, consideration and vote to approve a Resolution authorizing funding for relocation of the storm drain on the Southeast corner of North Main Street and West Mathew B. Brady Street, also located on the North side of Fairfield Inn and Suites, 111 North Main Street, Tulsa, Oklahoma in the amount of \$168,356.00 payable from the Brady's Art's District TIF funds (The Brady Art's District).

Kian Kamas, Chief of Economic Development stated she spoke with Jim Coles, Director of Economic Development who spoke on this in support of the construction of the multi-level parking facility that will support the Fairfield property in a broader sense of the Art's district. TDA's General Counsel has concluded the analysis as supported.

After discussion, Vice Chairman Mitchell, moved to approve **Resolution No. 6629** authorizing funding for relocation of the storm drain on the Southeast corner of North Main Street and West Mathew B. Brady Street, also located on the North side of Fairfield Inn and Suites, 111 North Main Street, Tulsa, Oklahoma in the amount of \$168,356.00 payable from Tax Increment District Number One (Brady Village TIF) to be appropriate and in accordance with the requirements of Tax Increment District Number One Project Plan. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- d. Discussion, consideration and vote to approve a Resolution approving a request for a Second Amendment of an Amended Contract for Sale of Land for Private Redevelopment with Village East Properties, LLC dated January 4, 2019 to grant an extension of time from December 31, 2019 to June 30, 2020 to complete the Village Flats, LLC project located on Lots 17-21, 27, 85-88, Block 1, The Village at Central Park. The property is generally located on the Southwest Corner of East 6th Street South and South Peoria Avenue, Tulsa, Oklahoma.

TDA General Counsel stated development is almost complete, an additional six (6) months was needed in order to fully finalize and obtain their Certificate of Occupancy.

After discussion, Commissioner Boxley, moved to approve **Resolution No. 6630** approving a request for a Second Amendment of an Amended Contract for Sale of Land for Private Redevelopment with Village East Properties, LLC dated January 4, 2019 to grant an extension of time from December 31, 2019 to June 30, 2020 to complete the Village Flats, LLC project located on Lots 17-21, 27, 85-88, Block 1, The Village at Central Park in accordance with the terms and conditions of the Contract, as amended, in the form of said Second Amendment attached hereto. The property is generally located on the

Southwest Corner of East 6th Street South and South Peoria Avenue, Tulsa, Oklahoma. Vice Chairman Mitchell seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- e. Discussion, consideration and vote to approve a Resolution authorizing the execution of a Quit Claim Deed from TDA to the City of Tulsa solely for the purpose of clearing the City of Tulsa's title to the Greenwood Cultural Center property located at 322 North Greenwood Avenue, Tulsa, Oklahoma.

After discussion, Vice Chairman Mitchell, moved to approve **Resolution No. 6631** approving approve the execution of the Quit Claim Deed in the form attached hereto for the conveyance and transfer of land described therein and located at 322 North Greenwood Avenue to the City of Tulsa without payment to TDA; said conveyance being for the purpose of removing a title defect to said land. Commissioner Philippsen seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- f. Discussion, consideration and vote to authorize General Counsel to evaluate the feasibility of, and to the extent feasible enter into negotiations for a Redevelopment Agreement that contemplates the use of North Peoria TIF funds to provide funding to Tulsa Economic Development Corporation for infrastructure and/or public facilities improvements in an amount that is available for such funding up to \$1,500,000.00 for development of a proposed grocery store project located East of North Peoria Avenue, between East Seminole Place and East Reading Street, Tulsa, Oklahoma (Shoppes on Peoria). The feasibility evaluation to be authorized will include but not be limited to making an appropriate determination as to the amount of available funds given previous expenditures authorized as well as interest earned and accumulated, and the appropriate use of those funds as permitted and authorized by the North Peoria TIF Project Plan.

Chairwoman Roberts acknowledged that this effort was led by Rose Washington, TEDC along with TEDC Board Member Casey Stowe in an effort to obtain funds, as well as financing to place a grocery store at Shoppes on Peoria. Roberts mentioned it's a great location but needs to be feasible from a funding perspective. The TDA Board is currently exploring with TEDC on whether the North Peoria TIF funds will be available for the public facilities, as well as the

infrastructure pieces of the project. Roberts also mentioned it was discussed about whether to obtain a Declaratory Judgement from the court to ensure things are done fair. Photos will be revealed to the public to enhance their understanding, as TDA begins to consider the possibilities. Roberts commended Rose Washington for her determination to make it come into a reality. She further added if TDA can assist her and do it lawfully and appropriately, they will.

Rose Washington, TEDC provided a detailed presentation with pictures of plans on developing a grocery store. She stated TEDC have been working on food desert elimination for several years and have learned a great deal as they attempt to execute on different strategies. She indicated that 93% of District One lacks access within a mile radius of affordable and quality fresh foods.

Vice Chairman Mitchell inquired about the possibility of redesigning an existing structure instead of a new build.

Rose Washington responded and stated based on the official assessment the existing structure at 60,000 sq. ft. was not economically feasible to acquire or redesign.

Commissioner Bracy suggested dividing it up in pieces, repurpose parts and lease out to other parties.

Casey Stowe responded and stated it would not work and it's inefficient.

Vice Chairman Mitchell inquired of how many stores is the operator they are considering retaining operating.

Rose Washington responded and stated the operator was not currently operating any stores but is in the wholesale distribution end of the grocery store business and is working with Tulsa Housing Authority on the Choice Neighborhood Initiative, as well as opening a store in West Tulsa. She added in order to be successful in food desserts, affordable programming like this will need to be created.

Vice Chairman Mitchell had a few concerns regarding financing, operating cost, working capital to put inventory in place, as well as upfront and startup cost.

Rose Washington responded and stated TEDC is a lender first. She also stated they vetted the operator financially, as well as their capacity to come in with the necessary requirements to successfully operate a grocery store.

Commissioner Boxley inquired of what the Public Infrastructure Request would be used for.

Chairwoman Roberts responded and stated parking lot lightening and drainage around the facility, but at this time TDA Counsel is still in the process of assessing and determining both what is needed and what TDA feasibly can do with the available TIF funds.

After discussion, Vice Chairman Mitchell, moved to approve **Resolution No. 6632** authorizing TDA General Counsel to Evaluate Feasibility and Legal Authority under project plan provisions of Tax Increment District No. 4 (a/k/a North Peoria TIF) to provide funding for Infrastructure and/or Public Facilities to Tulsa Economic Development Corporation for the Project Oasis Grocery Store Redevelopment. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- g. Discussion, consideration and vote to approve a Resolution to grant full authority during the suspension of O.C. Walker to the TDA Chairperson to act with the full capacity, duties and authority of the Executive Director of TDA for the purpose of handling all day-to-day affairs, including but not limited to, such matters as approving payroll, approving reimbursement of routine office expenses, overseeing operations, attending meetings, and executing documents.

After discussion, Commissioner Boxley, moved to approve **Resolution No. 6633** authorizing and Granting Full Authority to the Chairwoman of TDA to exercise the powers, duties, functions and administrative responsibilities of the Executive Director of TDA during the current period of suspension of the TDA Executive Director and authorizing the TDA Chairwoman to administer all day-to-day affairs of TDA, including but not limited to, such matters as approving payroll, approving reimbursement of routine office expenses, overseeing operations, attending meetings, and executing documents on behalf of the TDA. Commissioner Bracy seconded the motion. The vote was recorded as follows:

Chairwoman Roberts recused herself from voting.

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

The motion passed unanimously.

- h. Discussion, consideration and vote to update the Interim Use Policy of the Tulsa Development Authority Board designed to help the staff in effectively and efficiently processing requests for interim use of land in the control of TDA by further delineating a process for submitting requests to TDA, for further delineating the criteria to be considered by the Board in voting upon the same, for

further clarification around interim uses as they relate to zoning board requirements, and for limitations on the allowed terms and conditions of the use.

Chairwoman Roberts explained there have been situations in the past where TDA was in possession of land, but not quite in a place to develop it and did not foresee future development. She also stated there often times are an interim use for those lands that would benefit or support the community, development or economic development and growth in Tulsa for example; If TDA had a portion of land and someone wanted to temporarily place their construction equipment on that land that is sitting empty, TDA can grant them authority to lease that land at a fair price and according to ordinary terms. That is what this policy is designed to do. She also thanked Kian Kamas for her assistance in drafting the revised policy and procedure. This will help TDA move forward in processing more interim use requests and will provide the staff the guidance they need on which requests to bring before the Board.

Kamas added there was one previous request and one current request. Kamas stated what was previously absent from the TDA interim use policy was the process. How do people apply, what information is needed in order to make a decision and what's the fee to have a standardized process?

After discussion, Commissioner Boxley, moved to approve **Resolution No. 6634** approving the Amendment of **Section 20.20 of the TDA Policies and Procedures** and **Section 8.2 of the TDA Land Disposition Policies, both in their entirety, to be replaced by and with the Tulsa Development Authority Interim Use Policies attached hereto** to provide more specific instructions and procedures for the interim, including temporary, use of TDA owned redevelopment real property and the process for approval or rejection by the TDA Board of Commissioners. Vice Chairman Mitchell seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- i. Discussion, consideration and vote to approve a Resolution to amend the hourly rate of TDA General Counsel from \$175.00 per hour to \$200.00 per hour.

After discussion, Vice Chairman Mitchell, moved to approve a **Resolution No. 6635** approving an increase in the TDA General Counsel hourly rate for legal services to \$200.00 per hour, effective January 1, 2020. Commissioner Bracy seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

Commissioner Bracy moved to go into Executive Session at 11:00 a.m., seconded by Commissioner Boxley. The vote was recorded as follows:

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

The motion passed unanimously.

10. **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 status of negotiations with representatives 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(B)(4) and Section 307(C)(11).]
- c. Confidential communication with Counsel regarding status of negotiations for approval and consent by TDA to a Partial Assignment of the Redevelopment Agreement with The Village at Central Park, LLC to VEP II, LLC and approval of an Amended Contract for Sale of Land for Private Redevelopment with VEP II, LLC to facilitate the sale of Lots 70-79, Block 1, The Village at Central Park, from the Village at Central Park, LLC to VEP II, LLC and redevelopment of said Lots. The property is located on the southwest corner of East 6th Street South and South Peoria Avenue, Tulsa, Oklahoma. [25 O.S. §307(B) (4) and §307 (C)(11).]

- d. Confidential communication with Counsel regarding a requested amendment of Mortgage and a Third Amendment to the terms and conditions of a Redevelopment Agreement with Mayfield, LLC for a loan of TDA unrestricted funds for the purchase and redevelopment of real property and subsequent redevelopment to support an economic development of Downtown Tulsa, Oklahoma. [25 O.S. §307(B) (4) and §307(C) (11).]
- e. Confidential communication with Counsel regarding pending litigation for property located at 744 East Pine Street, Tulsa, Oklahoma, (Case No. CV-2017-1049, Tulsa County, Tulsa, Oklahoma) (Rupe Helmer Group/Tulsa 18537, LLC – Dollar General Project.) [25 O.S. §307(B) (4) and §307 (C) (11).]
- f. Confidential communication with Counsel regarding the terms and conditions for employment of Special Counsel to assist TDA in the investigation and response thereto. [[25 O.S. §307(B)(4) and 25 O.S. §307 (C) (11).]
- g. Confidential communication with Counsel and Special Counsel regarding a pending claim or grievance filed on December 19, 2019 by a TDA employee, the investigation of the same and the response of TDA thereto, including the response by TDA to an Open Records Request made on or about December 24, 2019, by Tulsa World received by Counsel Hartley for TDA relating to requested release of the personnel file of O.C. Walker, Executive Director [25 O.S. §307(B)(1) and [25 O.S. §307(B)(4)].

11. **Vote to Return to Open Session:** Commissioner Bracy moved to return to Open Session at 12:38 p.m., seconded by Commissioner Boxley. The vote was recorded as follows:

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

The motion passed unanimously.

12. **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.

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

10.a. Amenome, LLC - No action taken at this time.

10.b. Pearl Development, LLC – No action taken at this time.

- 10.c. Confidential communication with Counsel regarding status of negotiations for approval and consent by TDA to a Partial Assignment of the Redevelopment Agreement with the Village at Central Park, LLC to VEP II, LLC and approval of an Amended Contract for Sale of Land for Private Redevelopment with VEP II, LLC to facilitate the Sale of Lots 70-79, Block 1, The Village at Central Park, from the Village at Central Park, LLC to VEP II, LLC and redevelopment of said Lots. The property is located on the southwest corner of East 6th Street South and South Peoria Avenue, Tulsa, Oklahoma. [25 O.S. §307(B)(4) and §307(C) (11).]

After discussion, Commissioner Philippsen moved to approve **Resolution No. 6636** approving Partial Assignment of Contract for Sale of Land for Private Redevelopment between the Tulsa Development Authority and the Village at Central Park, LLC and Consent to Sale to VEP II, LLC, substantially in the form of each attached hereto. Commissioner Boxley seconded the motion. The vote was recorded as follows:

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

The motion passed unanimously.

- 10.d. Mayfield, LLC – No action taken at this time.
- 10.e. Dollar General Project, - General Counsel Hartley advised that there is no action to be taken here and the update simply is that a Motion regarding mootness of the claim is being filed in the case by TDA.
- 10.f. Engagement of Special Counsel - Action taken on December 23, 2019 at Special meeting.
- 10.g. Confidential communication with Counsel and Special Counsel regarding a pending claim or grievance filed on December 19, 2019 by a TDA employee, the investigation of the same and response of TDA there to [25 O.S. §307 (B) (4)], including the response by TDA to an Open Records Request made on or about December 24, 2019, by Tulsa World received by Counsel Hartley for TDA relating to requested release of the personnel file of O.C. Walker, Executive Director.

After discussion, Commissioner Bracy moved to approve **Resolution No. 6637 the exercise of its discretion to** deny a request from the Tulsa World for the personnel records of TDA Executive Director O.C. Walker, II and to keep said personnel records confidential in accordance with Title 51 O. S. §23A.7(A)(1) as records that relate to an ongoing internal personnel investigation. Commissioner Boxley seconded the motion and providing the response prepared by Special Counsel to the Tulsa World. The vote was recorded as follows:

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

The motion passed unanimously.

14. New Business: None.

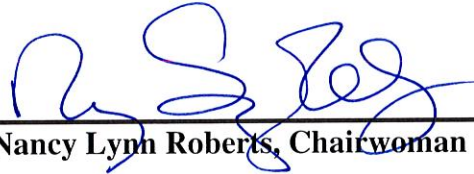
15. Adjournment: Chairwoman Roberts adjourned the meeting at 12:45 p.m.

Approved as to legal form and adequacy:

Tulsa Development Authority:



Jot Hartley, Esq., General Counsel

By: 

Nancy Lynn Roberts, Chairwoman

[(1-23-2019 – Regular Meeting Minutes – nt)]