REGULAR MINUTES

Tulsa Development Authority Board of Commissioners
Regular Meeting

One Technology Center
175 East 2nd Street
Tulsa, OK 74103
10th Floor South Conference Room

Thursday – November 14, 2013
8:30 a.m.

Present:
 Julius Pegues, Chairman
 Carl Bracy, Commissioner
 John Clayman, Commissioner
 Roy Peters, Commissioner
 O.C. Walker II, Executive Director
 Jot Hartley, General Counsel

Absent:

Also Present:
 Kevin Anderson
 Neal Bhow
 J. W. Custer
 Leon Davis
 Yvonne Hovell
 Kristen Hughes
 Norman Kildow
 Steve Larry
 Lee Levinson

Also Present:
 Jeff Scott
 Joel Slaughter
 John Snyder
 David Tobias
 Kathleen Watson
 Jane Malone
 Robin Watkins
 Carol Young

The regular meeting was called to order at 8:33 a.m. by Chairman Pegues. A quorum was established. The Agenda will be followed as printed. 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: A quorum was established.

2. Routine, Repetitive Items for Action:
   a. Minutes of October 2, 2013 Special Work Study Meeting
   b. Minutes of October 2, 2013 Special Work Study Executive Session Meeting
   c. Minutes of October 10, 2013 Regular Meeting
   d. Minutes of October 10, 2013 Regular Meeting, Executive Session
Commissioner Bracy moved to approve the minutes, Agenda Items 2. a, b., c, and d., seconded by Commissioner Clayman. The vote was recorded as follows:

Ayes: Pegues, Bracy, Clayman and Peters
Nays: None

The motion passed unanimously.

e. Tulsa Development Authority Financial Report for September 2013
f. September 2013 - Comparative Financial Statements
g. September 2013 - Program Income Report Fund No. 5540

Commissioner Peters moved to approve Resolution No. 5898, approving Tulsa Development Authority Financial Reports for September 2013, Program Income Report for Fund No. 5540, and the Comparative Financial Statements. Commissioner Bracy seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Bracy, Clayman and Peters
Nays: None

The motion passed unanimously.

3. Receive: Executive Director’s Monthly Report. Executive Director Walker highlighted the following items:

a. Project Status Update:

1. Tulsa Urban Development Group, LLC, d/b/a Urban8: is currently seeking additional assistance on funding Sanitary Sewer. The Plat was submitted to INCOG to start the process for Planning Commission approval. The redeveloper filed the Infrastructure Development Plans (IDP) with the City of Tulsa. After the licensed contractor has been selected, a Construction Manager/Administrator will be awarded. [Location of the property - North of 3rd Street, between Greenwood Avenue and Kenosha Street.]

2. Harford Commons, LLC: Currently seeking additional assistance on funding to install Sanitary Sewer. Phase II Environmental Assessment continues to be performed on the property and should be complete within 30 days. [Location of property - SE corner of Greenwood Ave and E. 2nd St.]

3. Mapleview and Associates, Inc.: The project closed on October 15, 2013. After TDA allowable expenses are deducted, funds will be deposited with the City of Tulsa. [Location of the property - SW corner of 1st St. and Boulder Ave.]

4. Fire Station No. 1: The Redevelopment Agreement has been executed between Tulsa Development Authority & Core Associates and the Good Faith deposit has been received by Tulsa Development Authority. City of Tulsa Fire Department has vacated the subject property. The Project Architect is in the
process of the preliminary design phase. Representatives of Core, the redeveloper, will attend the December Work Study and provide an update. [Location of the property is 114 S. Elgin.]

5. Hogan on Greenwood, LLC: The redeveloper submitted their adequate Construction Financial Documents to the Tulsa Development Authority Board for approval. [Location of property - NE Corner of South Greenwood Ave. and East 1st Street.]

6. Wilkins Project: On November 11, 2013, W3 Development, LLC received notification from Marriott that they were awarded a hotel franchise. The next step will be to secure preliminary commitment from investors and banks. W3 Development plans to submit schematic drawings for the January 2014 Work Study Session. The Project Architect will facilitate the design team to schedule a project kick-off and schematic design meeting. [Location of property - NW corner of Elgin Ave.]

7. The Flats on Archer: The project has been assigned from Brady District Flats to The Flats on Archer and a revised Redevelopment Agreement has been executed by all parties. The Good Faith Deposit has been received by Tulsa Development Authority. The proposed project is slated for 61 units (49 of the units will be one bedroom, and 12 units will be two bedrooms). [Location of property – 110 N. Boston Ave.]

8. East End Village: Construction and Demolition has begun on the interior, structure and roof. The redeveloper is in the process of applying for the property to be abated through the City of Tulsa. In addition, redeveloper plans to provide the Tulsa Development Board of Commissioners with an update at the December 2013 Work Study Session. [Location of property – 401-405 S. Elgin, 408 & 418 S. Frankfort, 414 E. 4th St., 415 E. 5th St.]

b. Sector Plan Update

Met with City of Tulsa Planning Director to discuss the Sector Plans that will expire in June 2014. The City of Tulsa would like to issue a Request for Proposals (RFP) for an entity to draft and create the revised document. The Selection process will be a collaborative effort between the City of Tulsa and Tulsa Development Authority. It was requested by Tulsa Development Authority that the Executive Director and one Tulsa Development Authority Board Member be included with and become a part of the selection committee. This will be a two-phase process: (1) evaluate existing Sector Plans; and (2) provide a planning process to revise the document. Revising the Sector Plans will allow Tulsa Development Authority to become more independent from the City in regards to the planning process. Tulsa Development Authority has full ownership of the Sector Plans. There is a three step process to adopt the plans:

i. Tulsa Development Authority Board Action
ii. Area Planning Commission action
iii. Tulsa City Council approval

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The City of Tulsa is willing to facilitate the RFP process, and Tulsa Development Authority is responsible for funding the project.

c. 3104 Homes Project

Request that a competitive bid process be held to dispose of the seven (7) single family dwellings that matriculated through the HOME Loan Program, and be sold "as-is". The subject properties are currently being appraised.

d. Downtown Housing Assistance Program

In response to a request from Commissioner Peters, the Executive Director provided an update and chart on the Downtown Housing Projects. The Downtown Housing Fund assistance was $3 Million, and allocated as follows:

(1) East End Village Project located at 401 S. Elgin Ave.
   - $1 million;
(2) Vandevere Lofts Project located at 16 E. 5th Street
   - $250,000; and
(3) YMCA Lofts located at 515 S. Denver Ave.
   - $1,750,000.

Commissioner Bracy moved to accept the Executive Director’s report, seconded by Commissioner Clayman. The vote was recorded as follows:

Ayes: Pegues, Bracy, Clayman and Peters
Nays: None

The motion passed unanimously.

9. Receive, Discuss and Vote:

a. Discussion, consideration and vote to approve a Resolution approving the TDA Board calendar for 2014 – 2015: After discussion, Commissioner Peters moved to approve Resolution No. 5899, the Tulsa Development Authority Board Meeting Schedule for January 2014 to January 2015. Commissioner Clayman seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Bracy, Clayman and Peters
Nays: None

The motion passed unanimously.

b. Discussion, consideration and vote to approve allowable disposition expenditures for the sale to 100 Boulder, LLC (formerly Mapleview Associates, Inc.) of City of Tulsa owned property located west of Boulder Avenue, between 1st and 2nd Street, Tulsa, Oklahoma: After
discussion, Commissioner Peters moved to approve Resolution No. 5900, approving allowable disposition expenditures and authorizing payment of net proceeds from sale of real property to 100 Boulder, LLC, formerly Mapleview Associates, Inc. – 100 S. Boulder Ave., Tulsa, Oklahoma. Commissioner Bracy seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Bracy, Clayman and Peters  
Nays: None

The motion passed unanimously.

c. Discussion, consideration and vote to approve a Resolution approving schematic drawings and amendment to Redevelopment Agreement between Mid-America Packaging & Janitorial Supplies, Inc. and TDA for property located at 1124 N. Lansing Avenue, Tulsa, Oklahoma: After discussion, Commissioner Peters moved to approve Resolution No. 5901, approving schematic drawings submitted by Mid-America Packaging & Janitorial Supplies, Inc. and Amendment of Redevelopment Agreement for Redevelopment Project located at 1124 N. Lansing Avenue, Tulsa, Oklahoma. Further, Mid-America will pay all attorney fees associated with this project. Commissioner Clayman seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Bracy, Clayman and Peters  
Nays: None

The motion passed unanimously.

d. Discussion, consideration and vote to approve a Resolution authorizing Draw Request No. 2 from TDL NOW II, LLC to TDA for the Downtown Housing Fund on the Vandeveer Lofts project located south of 5th Street, one-quarter block west of Boston Avenue (16 East 5th Street), Tulsa, Oklahoma: Executive Director Walker commented the project is 40% complete. TDL NOW II, LLC is requesting Draw No. 2 in the amount of $37,500.00. After discussion, Commissioner Peters moved to approve Resolution No. 5902, approving payment of advance number two to TDL NOW II, LLC pursuant to Redevelopment Agreement for the Vandeveer Lofts Project. Commissioner Clayman seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Bracy, Clayman and Peters  
Nays: None

The motion passed unanimously.

e. Discussion, consideration and vote to approve a Resolution rescinding and canceling Redevelopment Agreement between Wintrust Homes for purchase of TDA owned property located east of Martin Luther King Jr. Blvd., between East Queen Street and East Seminole Place,
Tulsa, Oklahoma (a/k/a lots on Cincinnati Avenue): After discussion, Commissioner Clayman moved to approve Resolution No. 5903, terminating redevelopment agreement with Wintrust Homes, LLC, authorizing retention of Good Faith Deposit and rescinding Resolution No. 5847 approving Redevelopment Agreement with Wintrust Homes for the purchase and Redevelopment of Tulsa Development Authority owned property located at East of Martin Luther King Jr. Blvd., between East Queen Street and East Seminole Place, Tulsa, Oklahoma (a/k/a Lots on Cincinnati Avenue). Commissioner Bracy seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Bracy, Clayman and Peters
Nays: None

The motion passed unanimously.

f. Discussion, consideration and vote to approve a Resolution approving Section 5(c) Construction Financial Document Phases of the Redevelopment Agreement between Hogan on Greenwood, LLC and TDA for property located on the Northeast corner of East 1st Street and Greenwood Avenue, Tulsa, Oklahoma: General Counsel Hartley reported Hogan on Greenwood, LLC has presented adequate financial documentation for this project and recommends approval. After discussion, Commissioner Peters moved to approve Resolution No. 5904, approving construction financial information submitted by Hogan on Greenwood, LLC for Redevelopment Project located at the Northeast Corner of East 1st Street and South Greenwood Avenue, Tulsa, Oklahoma. Commissioner Clayman seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Bracy, Clayman and Peters
Nays: None

The motion passed unanimously.

g. Discussion and consideration to approve a Resolution authorizing negotiations between Blue Dome Anchor L.L.C and TDA for property located at 110 S. Hartford, Tulsa, Oklahoma, and a/k/a The Hartford Building: Mr. Joel Slaughter, Architect, provided detailed comments, explanation and illustration of the Blue Dome Anchor, LLC Project. Mr. John Snyder, Mr. Neal Bhow and Mr. Lee Levinson were also present. After discussion, Commissioner Bracy moved to approve Resolution No. 5905, approving redeveloper and authorizing negotiations for the sale and redevelopment of the Tulsa Development Authority owned property located East of Greenwood Avenue, between East First Street and East Second Street, Tulsa, Oklahoma – Hartford Building Property. Commissioner Peters seconded the motion. The vote was recorded as follows:
Ayes: Pegues, Bracy, Clayman and Peters
Nays: None

The motion passed unanimously.

h. Discussion and consideration to receive Tulsa Development Authority’s 2012 – 2013 Audit from McGladrey LLP: Ms. Kristen Hughes of McGladrey LLP, and Norman Kildow explained the “draft” audit. After discussion, Commissioner Bracy moved to table this item until the final Audit has been completed. Commissioner Clayman seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Bracy, Clayman and Peters
Nays: None

The motion passed unanimously.

i. Discussion and consideration to approve a Resolution authorizing processing final payment of $2,163.00 Relocation Assistance Payment (RAP) and $450.00 moving for eligible relocation benefits to Mr. Calero: After discussion, Commissioner Bracy moved to approve Resolution No. 5906, approving payment of relocation assistance benefits for the Kendall-Whittier Park West Sub-Plan to the Kendall-Whittier Urban Renewal Project, Tulsa, Oklahoma. Commissioner Clayman seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Bracy, Clayman and Peters
Nays: None

The motion passed unanimously.

5. 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)(10) 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 the cost of Sanitary Sewer installation on TDA owned property located north of 3rd Street, between Greenwood Avenue and Kenosha Street, Tulsa, Oklahoma. [25 O.S. §307(b)(4) and §307(c)(10)]
Commissioner Bracy moved to go into Executive Session at 9:32 a.m., seconded by Commissioner Clayman. The vote was recorded as follows:

Ayes: Pegues, Bracy, Clayman and Peters
Nays: None

The motion passed unanimously.

6. Vote to return to open session.

Commissioner Bracy moved to return to Open Session at 9:43 a.m., seconded by Commissioner Peters. The vote was recorded as follows:

Ayes: Pegues, Bracy, Clayman and Peters
Nays: None

The motion passed unanimously.

7. Statement of 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.

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

5.a. Commissioner Clayman made comments and moved to approve the reserve of funding – up to $26,005.00 to be reimbursed to either Urban8 and/or Hartford Commons, once Certificate of Completion has been received for both projects. Commissioner Peters seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Bracy, Clayman and Peters
Nays: None

The motion passed unanimously.


10. Adjournment: The meeting adjourned at 9:48 a.m.

Commissioner Bracy moved to adjourn, seconded by Commissioner Clayman. The vote was recorded as follows:

Ayes: Pegues, Bracy, Clayman and Peters
Nays: None
The motion passed unanimously.

Tulsa Development Authority

Julius Pegues, Chairman

Approved as to legal form and adequacy:

Jot Hartley, Esq., General Counsel

[11-14-2013 – Regular Meeting Minutes - (rwjm-ar)]