WORK STUDY SESSION MINUTES

Tulsa Development Authority Board of Commissioners

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

Thursday – September 4, 2014
8:30 a.m.

Present:
Julius Pegues, Chairman
Roy Peters, Vice Chairman
Carl Bracy, Commissioner
Nancy Roberts, Commissioner
Steve Mitchell, Commissioner
O.C. Walker II, Executive Director
Jot Hartley, General Counsel

Absent:

Also Present:
Roger Acebo
Kevin Anderson
Clay Bird
Andrew Coffey
Jim Coles
Sam Combs
Travis Cushman
Leon Davis
Norman Kildow
Steve Larry
Michelle Lester
Samantha Meadows

Also Present:
Michael Sager
John Snyder
Mike Thedford
Dawn Warrick
Dennis Whitaker
NaTasha Bunch
Jane Malone
Carol Young

The meeting was called to order at 8:33 a.m. by Chairman Pegues. Chairman Pegues welcomed everyone to the monthly Tulsa Development Authority Work Study Session and stated no votes would be taken at this meeting. The Board will receive reports and information on projects. All Reports and supporting documentation were distributed for the September 4, 2014 Tulsa Development Authority Work Study Session and will be incorporated by reference to these minutes. The agenda will be followed as filed.
1. **Roll Call:** Jane Malone called roll; Chairman Pegues, Vice Chairman Peters, and Commissioner’s Bracy, Roberts, and Mitchell were in attendance. A quorum was present.

2. **Executive Director’s Monthly Report**

   1. **TDA Strategic Planning Session**

      - The Strategic Planning Session will be held on Thursday, September 18, 2014, from 8:00 a.m. until 2:00 p.m. The facilitator’s, Ian Carlton and Shawn Schaefer, are from the University of Oklahoma. The theme is “What is TDA?”

   2. **Project Status Update**

      - **Blue Dome Anchor, LLC:** Executive Director Walker provided an overview, history, and update of the proposed project. John Snyder and Samantha Meadows, representing Blue Dome Anchor, LLC, also provided a detailed presentation of the Hartford Building. Copies of the proposed project documents were included in the Commissioner’s packets. Mr. Snyder and Ms. Meadows responded to questions and concerns of the Commissioners. [Location of the property: 110 South Greenwood.]

      - **Tulsa Urban Development Group, LLC, d/b/a Urban8:** The project is under construction and the Alfa survey has been completed. The IDP is currently being reviewed by the City of Tulsa, Permit Center. The contractor is drilling for ground source wells. [Location of the property: North of 3rd Street, between Greenwood Avenue and Kenosha Street.]

      - **Hartford Commons, LLC:** The Building permit is in the final stages of the review process. The Tax Abatement Application is in process for presentation to various taxing Authority’s. Construction is set to begin late October or early November. [Location of property: SE corner of Greenwood Ave. and E. 2nd Street.]

      - **100 Boulder, formerly Mapleview Associates, Inc.:** The project is 95% complete. A model unit is available for public viewing. The final phase includes ordering and placing furniture in the units. The developer would like to schedule a walk-through with the TDA Board. [Location of the property: Southwest Corner of 1st Street and Boulder Ave.]

      - **Fire Station No. 1/CORE Associates, LLC:** This item was on the TDA agenda last month for review and approval of an extension of time and revision to the Redevelopment Agreement. The TDA Board did not take action at that time; therefore, this item reappears for action on September 11, 2014. [Location of the property is 411 South Frankfort Ave.]
• **Hogan on Greenwood, LLC:** Building piers are 80% complete and GEO thermal wells are being installed. The foundation and slab will be in place by the end of September. The redeveloper plans to meet with the Blue Dome TIF merchants to discuss possible Streetscaping. [Location of property: Northeast Corner of South Greenwood Avenue and East 1st Street.]

• **Wilkins Project:** The project is in the design development stage. Construction documents are to be submitted in December for TDA Board approval in January 2015. A discussion regarding a closing date will occur with the developer early next week. General Counsel Hartley stated financing information will not be addressed until closing. [Location of property: Northwest corner of Archer and Elgin Avenue.]

• **The Flats on Archer:** Mr. Sam Combs, representing the redeveloper, provided answers and rationale for the 60 day extension to complete due diligence. This is also an agenda item for a request of 60 days extension to complete due diligence. [Location of property: 110 N. Boston Avenue.]

• **The Petrous Group:** A 300’ radius report was submitted to the TDA office. A meeting is scheduled for September 17, 2014 at the Rudisill Library with the redeveloper and the neighborhood association.

3. **Zoning Code Update:** The latest revisions to the updated zoning codes are available online for review until September 8, 2014. The adoption of the updated Zoning Code will roll out in the Fall of 2014.

4. **Sector Plan Update:** Houseal Lavigne has revised the Agreement to incorporate language regarding Project Teams and Assignments. The roles under each task have been redefined. Language to include TDA Board approval for selection of a Public Relations firm was also included in the revised Agreement. Additional discussion regarding the Sector Plans will occur in Executive Session.

5. **Service Agreement between the City of Tulsa and Tulsa Development Authority:** General Counsel Hartley explained revisions were received from the City of Tulsa’s Planning and Asset Management departments. He also received the contact information for the Attorney in the City of Tulsa Legal Department that is handling the Agreement. General Counsel Hartley will contact the Attorney to discuss the language regarding the City of Tulsa’s obligations to TDA. General Counsel is also preparing the Exhibit B and will have both documents ready for Board approval at next week’s meeting. This item will be placed on the Agenda for TDA’s Regular Meeting.
6. **TDA Website:** Commissioner Roberts and TDA staff met with Jeff Barnes of Walsh-Barnes Associates to discuss upgrading the website. Updating the website will allow TDA to publish Agenda and Board Meeting packets online. Commissioner Roberts stated updating the website will enable TDA to become a greater resource for the community and redevelopers. Commissioner Roberts also expressed it was a wonderful experience to interact with TDA staff. The next meeting with Jeff Barnes is scheduled for September 8, 2014.

7. **TDA Office Space:** Proposals were received for painting the interior, and stripping and waxing the floors. Interior design consultants were contacted for recommendations and an estimated interior remodel cost would be less than $20,000.00.

8. **Daniel Park/1st and Lewis Avenue:** Ron Edwards, a property owner in the Kendall Whittier area, is interested in purchasing TDA owned property located at East 1st Street and South Lewis Avenue (21 South Lewis). Ron Edwards endeavors to create a food truck court with multiple food trucks on the property. Allowing a food truck court operation will not require a permanent structure to be created, thereby utility easements can remain intact. The site has never been marketed for sale and an appraisal will have to be obtained before a Request for Proposal can be issued. TDA Board will need to make a decision on how to proceed. A letter from Ed Sharrer, Executive Director of Kendall Whittier Main Street Association, is included in the Board packets.

9. **3104 Housing Inventory:** TDA has six (6) vacant single family dwellings that will be placed on the disposition list for sale. The properties were appraised July 17, 2014 and will be sold on an “as is” basis. Underserved families will be given first priority to purchase these properties as their primary residence. Real Estate Investors will have second priority for purchasing the structures. The appraisal value ranges between $6,500.00 and $9,500.00.

3. **Staff Reports and Discussion – City of Tulsa (C.O.T.)**

   a. **TIF Project Update – Mike Thedford:** A copy of the report is included in the Commissioner's packets:

      - **Blue Dome Lighting Project:** Fund No. 6967 – The contract is under review with City of Tulsa, Special Projects. Engineering design will commence after the contract has been signed.

      - **Proposed streetscape improvements to Cameron Street:** Fund No. 6963 – No new information to report.
• **Elgin streetscape improvements**: Fund No. 6967 – The project should be completed in three (3) months.

4. **General Counsel**

a. **Pending Litigation Report was included in the Commissioner packets**: Counsel Hartley provided the monthly pending litigation report. Counsel Hartley reported that any changes or new items are indicated in “**BOLD**” print. He also provided a status and overview of the report.

**Condemnation:**

• **Charles Sturner**
  Defendant’s Counsel submitted a witness and exhibits list. Depositions were scheduled for September 4, 2014.

**Personal Injury Claim:**

• **Gammil, Gary v. TDA**
  The Plaintiff waived a Jury Trial. Pretrial Conference is set for November 17, 2014 at 11:15 a.m. It was stated that TDA did not have property insurance coverage.

5. **Financial Reports**

a. **July 2014 - Income and Expenditure Report - included in the Commissioner packets**: Norman Kildow provided an updated report and an overview of the Income and Expenditure Report to the Commissioners and answered questions. The report stands as presented. Mr. Kildow also requested this item be placed on the Agenda for TDA’s Regular Board Meeting.

   He also requested the Board approve the return of additional funds in the amount of $222,45 in Fund No. 5105 to University of Tulsa. Mr. Kildow also requested this item be placed on the Agenda for TDA’s Regular Meeting.

b. **July 2014 - Program Income Reports - included in the Commissioner’s packets**: Norman Kildow provided information and gave an overview of the Program Income Report Fund No. 5540. Mr. Kildow also requested this item be placed on the Agenda for TDA’s Regular Board Meeting.

c. **Comparative Financial Statements – included in the Commissioner packets**: Norman Kildow provided an overview of the Comparative Financial Statements Report and answered questions from the Board. Mr.
Kildow also requested this item be placed on the Agenda for TDA’s Regular Board Meeting.

6. Discussion and consideration to release a Request for Proposals for TDA owned property located on the Southeast corner of East 3rd Street and South Frankfort Avenue, Tulsa, Oklahoma: Executive Director Walker provided an overview of the property and rationale for a Request for Proposal. The Commissioner’s requested obtaining a new appraisal for the property and include new development in the area in the RFP. The Commissioner’s also suggested advertising the RFP on national networks to attract a diversity of developers. This item will be placed on the Agenda for TDA’s Regular Meeting.

7. Discussion and consideration to review an Amendment to an existing Redevelopment Agreement for property located on the northwest corner of East Archer Street and North Boston Avenue, Tulsa, Oklahoma (The Flats on Archer): Executive Director Walker stated this is a request for an additional 60 days to complete due diligence. Sam Combs, a representative from the Flats on Archer, was present to give a project status update and answer questions. This item will be placed on the Agenda for TDA’s Regular Meeting.

8. Discussion and consideration to review a request from the Carlend Group, LLC for the TDA Board of Commissioners to provide a Resolution of Support for property located East of Peoria Avenue, South of Reading Avenue, Tulsa, Oklahoma: Executive Director Walker stated this is a request for a one year extension to the Redevelopment Agreement. Travis Cushman, a representative with Omega Alpha, was present to provide information and answer questions. General Counsel Hartley provided a history of the project and stated the plans needed to be re-submitted. He also suggested including in the Revised Agreement the extension is conditioned on receipt of tax credits. This item will be placed on the Agenda for TDA’s Regular Meeting.

9. Discussion and consideration to review a request regarding the Third Amendment to the existing Redevelopment Agreement between CORE Associates, LLC and TDA for City of Tulsa owned property located on the Southeast corner of East 4th Street and South Frankfort Avenue, Tulsa, Oklahoma, a/k/a Fire Station No. 1 (411 South Frankfort Avenue): Executive Director Walker stated this was an agenda item for last month’s meeting; however, action was not taken. General Counsel Hartley stated the representative for CORE was out of town at the time of the last meeting and was unable to approve the revisions. The revisions include requiring quarterly updates on conceptual plans and a requirement of off street parking as required by the City of Tulsa’s Zoning Code. Commissioner’s Roberts and Bracy questioned status of the project and the off street parking requirements. The Commissioner’s asked Executive Director Walker to invite representatives from CORE to next week’s meeting for clarification. This item will be placed on the Agenda for TDA’s Regular Meeting.
10. Discussion and consideration to review Draw Request No. 5 from East End Village, LLC for Downtown Housing Fund for the East End Village project located at 401 and 405 S. Elgin Avenue, 408 and 418 S. Frankfort Avenue, 414 East 4th Street and 415 E. 5th Street, Tulsa, Oklahoma: Executive Director Walker provided information regarding the draw request. Draw Request No. 5 represents 57% completion for an amount of $58,210.41. The cumulative amount awarded to date is $501,090.16. Supporting documentation from the architect of record is included in the Commissioner’s packets. This item will be placed on the Agenda for TDA’s Regular Meeting.

11. Discussion and consideration to review Draw Request No. 6 from TDL NOW II, LLC for Downtown Housing Fund for the Vandever Lofts project located at 16 E. 5th Street, Tulsa, Oklahoma: Executive Director Walker provided information regarding the draw request. Draw Request No. 6 represents 99% completion for an amount of $35,000.00. The cumulative amount awarded to date is $247,500.00. Supporting documentation from the architect of record is included in the Commissioner’s packets. This item will be placed on the Agenda for TDA’s Regular Meeting. Mr. John Snyder also provided updates regarding the following projects: Vandever Lofts, Mayo Hotel, Detroit Lofts, YMCA, and City Hall/Alfot Hotel.

12. Discussion and consideration to review revisions from the City of Tulsa regarding a Service Agreement: General Counsel Hartley explained he received the name of the Attorney handling the Agreement with City of Tulsa Legal Department. General Counsel Hartley will contact the Attorney to discuss the language regarding the obligations of the City of Tulsa and TDA. Counsel Hartley will bring a contract to TDA for approval next week. This item will be placed on the Agenda for TDA’s Regular Meeting.

Commissioner Bracy moved to go into Executive Session at 10:08 a.m., seconded by Commissioner Mitchell. The vote was recorded as follows:

Ayes: Pegues, Peters, Bracy, Mitchell, and Roberts
Nays: None

The motion passed unanimously.

13. 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 Tulsa Development Authority 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 an update on the First
Street Lofts project, located one-quarter (¼) mile East of Detroit Avenue, and
South of 13th Street, (310 E. First Street) Tulsa, Oklahoma. [25 O.S. §307(b)
(4) and §307(c) (10)].

b. Confidential communication with Counsel regarding an Agreement for
Services between Houseal Lavigne, Associates and TDA for the Sector Plan
update. [25 O.S. §307(b) (4) and §307(c) (10)].

c. Confidential communication with Counsel regarding an update for the
redevelopment of the Evans/Fin-Tube Site located West of Lansing Avenue,
between Archer Street and Independence Street, Tulsa, Oklahoma. [25 O.S.
§307(b) (4) and §307(c) (10)].

d. Confidential communication with Counsel regarding Ogan’s Circle
development located South of Virgin Street, between Osage Prairie Trail and
Lansing Avenue, Tulsa, Oklahoma. [25 O.S. §307(b) (4) and §307(c) (10)].

Executive Session adjourned at 11:42 a.m.

Commissioner’s Roberts and Mitchell exited the meeting at conclusion of the Executive
Session.

14. **Vote to return to open session:** Vice Chairman Peters moved to return to Open
Session at 11:44 a.m., seconded by Commissioner Bracy. The vote was recorded
as follows:

**Ayes:** Pegues, Peters, and Bracy.

**Nays:** None

The motion passed unanimously.

15. **Statement of the Executive Session:** During the 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.

16. **Discussion and consideration on items discussed in Executive Session.**
Executive Session Agenda Items:

13. b. Sector Plan Update
13. d. Ogan’s Circle

17. New Business: None.

18. Adjournment: Commissioner Braey moved to adjourn at 11:48 a.m., seconded by Vice Chairman Peters. The vote was recorded as follows:

Ayes: Pegues, Peters, and Braey
Nays: None

The motion passed unanimously.

Tulsa Development Authority

Julius Pegues, Chairman

Approved as to legal form and adequacy:

Jot Hartley, Esq., General Counsel

[9-4-2014 – Work Study Minutes (nb-jm)]