

TULSA PUBLIC FACILITIES AUTHORITY

Regular Meeting: July 25, 2013

MINUTES

Trustees of the Tulsa Public Facilities Authority met for its Regular Meeting on Thursday, July 25, 2013 at 4:30 PM in RM 10-205 at City Hall at One Technology Center. Due notice was posted at 4:04 PM on July 24, 2013 with the City Clerk's Office, Suite 260, City Hall at One Technology Center, Tulsa, Oklahoma.

1. Call to Order.

Upon obtaining a quorum, Mr. Cremin called the meeting to order at 4:30 PM

TRUSTEES PRESENT

J. Patrick Cremin, Chairman
Marcia MacLeod, Vice Chairman (arrive at 4:40 pm)
George Sartain
Jim Twombly, Mayoral Designee

TRUSTEES ABSENT

Chuck Blue, Secretary

OFFICERS PRESENT: Michael P. Kier, Treasurer & Assistant Secretary
Wendy Z. Martin, Assistant Secretary

OTHERS PRESENT: City of Tulsa: Ellen Hinchee, Legal; Stephanie Solberg, Legal; Alan Rowland, Finance; Mary Kell, Engineering Services; Tammy Fate, Planning & Economic Development; Clay Bird, Mayor's Office; Norman Kildow, Finance Department and Tawnie Larsen, CBRE, Bart Boatright, Flintco, and Tom Simpson, SMG.

2. Approval of Minutes from the June 27, 2013 Regular Meeting.

No discussion.

Motion: Twombly moved approval of the June 27, 2013 minutes.

Second: Sartain

Vote: The motion carried with the following votes:

Aye: Twombly, Sartain, Cremin

Nay: None

(Ms. MacLeod arrived at 4:40 pm)

3. Approval of the Fourteenth Amendment to the lease entered into among the City of Tulsa, Tulsa Public Facilities Authority, and Bank of Oklahoma on April 7, 2008 for Office Space at One Technology Center (Ellen Hinchee, Legal Department). [City of Tulsa Contract No. 26522].

Ms. Hinchee and Ms. Larsen presented this item and described the amendment explaining that it will cancel amendments one through thirteen and establish a base-premises lease space and price with the option to add or delete rental space by the 20th of each month at the rates established for additional premises. The new lease retains TPFA's right to continue to market the lease of the 14th floor.

Motion: Twombly moved approval of the Fourteenth Amendment to the lease entered into among the City of Tulsa, Tulsa Public Facilities Authority, and Bank of Oklahoma on April 7, 2008 for Office Space at One Technology Center.

Second: MacLeod

Vote: The motion carried with the following votes:

Aye: Twombly, Sartain, MacLeod, Cremin

Nay: None

4. Approval of Multi-carrier In-Building Neutral Host Lease Agreement entered into among ATC Indoor DAS, City of Tulsa, and Tulsa Public Facilities Authority (TPFA) for space in the Cox Business Center to install, operate, and maintain a distributed antenna system and authorization of the TPFA Chairman and Secretary to execute the agreement on behalf of TPFA upon the review and approval by the City's Legal Department of the insurance documents and the review and approval by the City's Engineering Services and Information Technology Departments of the tenant's plans as set forth in Exhibits A and B. (TL Cox, Information Technology Department & Stephanie Solberg, Legal Department).

Without objection items 4 and 5 were considered together. Mr. Cox and Ms. Solberg presented the Multi-carrier lease agreements. The Information Technology department has reviewed the agreements and has no objections to the antenna systems. The Engineering Services Department has been unable to review the plans due to the recent power outage, but with that review and approval the documents will be ready to execute.

Motion: Sartain moved approval of Multi-carrier In-Building Neutral Host Lease Agreements entered into among ATC Indoor DAS, City of Tulsa, and Tulsa Public Facilities Authority (TPFA) for space in the Cox Business Center and the BOK Center to install, operate, and maintain a distributed antenna system and authorization of the TPFA Chairman and Secretary to execute the agreements on behalf of TPFA upon the review and approval by the City's Legal Department of the insurance documents and the review and approval by the City's Engineering Services and Information Technology Departments of the tenant's plans as set forth in Exhibits A and B of the respective agreements.

Second: MacLeod

Vote: The motion carried with the following votes:
Aye: Twombly, Sartain, MacLeod, Cremin
Nay: None

5. **Approval of Amended and Restated Multi-carrier In-Building Neutral Host Lease Agreement entered into among ATC Indoor DAS, City of Tulsa, and Tulsa Public Facilities Authority (TPFA) for space in the BOK Center to install, operate, and maintain a distributed antenna system and authorization of the TPFA Chairman and Secretary to execute the agreement on behalf of TPFA upon the review and approval by the City's Legal Department of the insurance documents and the review and approval by the City's Engineering Services and Information Technology Departments of the tenant's plans as set forth in Exhibits A and B. (TL Cox, Information Technology Department & Stephanie Solberg, Legal Department). [This restated lease will supersede City of Tulsa Contract No. 29805.]**

Without objection, this item was considered with the above item number four. Please refer to that item for that item for minutes of action taken.

6. **Approval of Budget Amendment making appropriations of \$1,447,653 in the TPFA BOK/Convention Center, Fund No. 3003, from a transfer of \$347,653 from the balance of the TPFA Capital Improvements Revenue Bonds, Taxable Series 2008 and a transfer of \$1,100,000 of the TPFA BOK/Convention Center Fund No. 3003 fund balance. (Alan Rowland, Budget Department)**

Mr. Kier and Mr. Rowland presented this item, explaining a similar item was presented to TPFA in June, but the contracts were not in place by the end of the fiscal year resulting in the funds lapsing. This item authorizes the funding for the new fiscal year.

Motion: Twombly moved approval of Budget Amendment making appropriations of \$1,447,653 in the TPFA BOK/Convention Center, Fund No. 3003, from a transfer of \$347,653 from the balance of the TPFA Capital Improvements Revenue Bonds, Taxable Series 2008 and a transfer of \$1,100,000 of the TPFA BOK/Convention Center Fund No. 3003 fund balance.

Second: MacLeod

Vote: The motion carried with the following votes:
Aye: Twombly, Sartain, MacLeod, Cremin
Nay: None

7. **Approval of Award of Bid with the lowest responsive bidder, OSIYO Metals, LLC, for construction of project number SP 12-05 BOK Center Renovation Bid**

Package Number 05 BRR Miscellaneous Steel and authorize the Chairman and Secretary of Tulsa Public Facilities Authority to approve and execute contracts on behalf of the Authority if the contractor in this bid award executes documents and furnishes all necessary bonds and insurance within the time specified. (Mary Kell, Engineering Services Department)

Ms. Kell presented this item explaining items 7-10 are somewhat related. The items were four bids read last Friday at the bid opening for the BOK Center. The recommendation is that this bid be awarded.

Motion: MacLeod moved approval of Award of Bid with the lowest responsive bidder, OSIYO Metals, LLC, for construction of project number SP 12-05 BOK Center Renovation Bid Package Number 05 BRR Miscellaneous Steel and authorize the Chairman and Secretary of Tulsa Public Facilities Authority to approve and execute contracts on behalf of the Authority if the contractor in this bid award executes documents and furnishes all necessary bonds and insurance within the time specified.

Second: Twombly

Vote: The motion carried with the following votes:

Aye: Twombly, Sartain, MacLeod, Cremin

Nay: None

8. Approval of Award of Bid with the lowest responsive bidder, Commercial Flooring Solutions, LLC, for construction of project number SP 12-05 BOK Center Renovation Bid Package Number 09 CRR Ceramic Tile and authorize the Chairman and Secretary of Tulsa Public Facilities Authority to approve and execute contracts on behalf of the Authority if the contractor in this bid award executes documents and furnishes all necessary bonds and insurance within the time specified. (Mary Kell, Engineering Services Department)

Ms. Kell presented this item with the recommendation that the bid be awarded. There was only responsive bid for this package.

Motion: Twombly moved approval of Award of Bid with the lowest responsive bidder, Commercial Flooring Solutions, LLC, for construction of project number SP 12-05 BOK Center Renovation Bid Package Number 09 CRR Ceramic Tile and authorize the Chairman and Secretary of Tulsa Public Facilities Authority to approve and execute contracts on behalf of the Authority if the contractor in this bid award executes documents and furnishes all necessary bonds and insurance within the time specified.

Second: MacLeod

Vote: The motion carried with the following votes:

Aye: Twombly, Sartain, MacLeod, Cremin

Nay: None

9. Approval of Award of Bid with the lowest responsive bidder, M. L. Jones, LLC, for construction of project number SP 12-05 BOK Center Renovation Bid Package Number 09 BRR Drywall & Paint and authorize the Chairman and Secretary of Tulsa Public Facilities Authority to approve and execute contracts on behalf of the Authority if the contractor in this bid award executes documents and furnishes all necessary bonds and insurance within the time specified. (Mary Kell, Engineering Services Department)

Ms. Kell presented this item noting it is for drywall and paint at the VIP lounge. There were two responsive bids for this package; the recommendation is to award the bid to M. L. Jones.

Motion: MacLeod moved approval of Award of Bid with the lowest responsive bidder, M. L. Jones, LLC, for construction of project number SP 12-05 BOK Center Renovation Bid Package Number 09 BRR Drywall & Paint and authorize the Chairman and Secretary of Tulsa Public Facilities Authority to approve and execute contracts on behalf of the Authority if the contractor in this bid award executes documents and furnishes all necessary bonds and insurance within the time specified.

Second: Twombly

Vote: The motion carried with the following votes:

Aye: Twombly, Sartain, MacLeod, Cremin

Nay: None

10. Approval of Award of Bid with the lowest responsive bidder, Lighthouse Electric, Inc., for construction of project number SP 12-05 BOK Center Renovation Bid Package Number 16 RR Electrical and authorize the Chairman and Secretary of Tulsa Public Facilities Authority to approve and execute contracts on behalf of the Authority if the contractor in this bid award executes documents and furnishes all necessary bonds and insurance within the time specified. (Mary Kell, Engineering Services Department)

Ms. Kell presented this item explaining it was for VIP Lounge electrical. There two responsive bids and three nonresponsive bids for this package.

Motion: Twombly moved approval of Award of Bid with the lowest responsive bidder, Lighthouse Electric, Inc., for construction of project number SP 12-05 BOK Center Renovation Bid Package Number 16 RR Electrical and authorize the Chairman and Secretary of Tulsa Public Facilities Authority to approve and execute contracts on behalf of the Authority if the contractor in this bid award executes documents and furnishes all necessary bonds and insurance within the time specified.

Second: Sartain

Vote: The motion carried with the following votes:
Aye: Twombly, Sartain, MacLeod, Cremin
Nay: None

11. Approval of Irrevocable Directive of Draw Proceeds for Fixtures & Drywall Company of Oklahoma, Inc., a/k/a FADCO. (Mary Kell, Engineering Services Department)

Ms. Kell presented this item explaining that this BOK project bid has already been awarded and the contract is in process. The surety company for the contractor, FADCO, has requested the execution of this form saying TPFPA would be making its checks to FADCO. The City's Legal Department has reviewed and approved of the form. Mr. Boatright, representing Flintco, the Project Manager for the BOK renovation, explained FADCO has gone through a significant transition in the last 6 months, but that it is a very good company and Flintco is confident in it.

Motion: Twombly moved approval of Irrevocable Directive of Draw Proceeds for Fixtures & Drywall Company of Oklahoma, Inc., a/k/a FADCO.

Second: Sartain

Vote: The motion carried with the following votes:
Aye: Twombly, Sartain, MacLeod, Cremin
Nay: None

12. Approval to release Request for Proposal to obtain detailed proposals for developing the site at 71st and Riverside with emphasis on retail/recreation venues. (Clay Bird)

Mr. Bird and Ms. Fate presented this item. They explained the recommendations of TPFPA have now been added to the proposal. Ms. MacLeod inquired about the impact of the project on traffic in the area. Ms. Fate explained that there is a provision in the proposal stating that depending on the project there may be a deceleration lane or other traffic control devices required. Mr. Bird also noted there will be a review committee established for the project which will include up to two people from TPFPA.

Motion: Twombly moved approval to release Request for Proposal to obtain detailed proposals for developing the site at 71st and Riverside with emphasis on retail/recreation venues.

Second: MacLeod

Vote: The motion carried with the following votes:
Aye: Twombly, Sartain, MacLeod, Cremin
Nay: None

13. One Technology Center Comparative Financial Statements for the Years Ended June 30, 2013 and 2012 (Norman Kildow, Finance Department).

Mr. Kildow presented the financial statements for the One Technology Center.

14. BOK Arena & Tulsa Convention Center Financial Reports for period ending May 31, 2013 (Tom Simpson, SMG)

Mr. Simpson presented the financial reports for the BOK Arena and the Tulsa Convention Center.

(Mr. Sartain left the meeting at 5:30 pm)

15. Discussion of potential upcoming agenda items.

Mr. Simpson stated that SMG would be going through their audits and will not have a financial statement to present until after the audit.

16. Next Regular Meeting: August 22, 2013

17. Adjournment.

Without objection, the meeting was adjourned at 5:45 PM.



Wendy Z. Martin, TPFA Assistant Secretary

August 28, 2013

Date Approved by Authority