

FISTA Development Trust Authority Board Meeting Minutes

Lawton City Hall Banquet Hall
212 SW 9th Street, Lawton, Oklahoma 73501
May 3, 2022 @ 3:15 p.m.

Trustees Present: Dani Blackburn, Mark Brace, Clarence Fortney, Albert Johnson, Jr., Phil Kennedy, David Madigan, Ron Nance, Richard Rogalski, Vincent Saylor. Also, in attendance were Teira Cole and James Taylor.

Trustees Absent: Jay Burk and Barry Ezerski and Jace Zacharias

Guests: Kim McConnell, Brandi Thomas, Jill Rodriguez, Nena Hardy, Jason Wells, Eric Swanson, Kelly Harris, John Ratliff, Matt Thomas and Alan Hampton

I. Call to Order/Roll Call

II. Introduction of Guests

Ms. Cole administered the Oath of Office to Brian Henry, as a FISTA Development Trust Authority Trustee. Mr. Henry is filling the “At-Large” vacancy as appointed by Mayor Booker and confirmed by Lawton City Council on April 26, 2022. The Oath of Office is attached and on file with the Office of the City Clerk.

III. Business

A. Consider approval of minutes of the Trust Meeting on March 29, 2022

ACTION: Mr. Kennedy moved to approve the minutes of the Trust Meeting on March 29, 2022; Mr. Brace seconded the motion. The motion passed unanimously; a copy of the minutes attached.

B. Consider approval of March 2022 financials

ACTION: Ms. Blackburn presented the financials; Mr. Brace moved to approve the financials as presented; Mr. Madigan seconded the motion. The motion passed unanimously; copy of the financials attached.

C. Consider appointing Phil Kennedy as FISTA Treasurer

ACTION: Mr. Madigan moved to appoint Phil Kennedy as Treasurer; Mr. Johnson seconded the motion. The motion passed as follows: Mark Brace-yes, Clarence Fortney-yes, Brian Henry-yes, Albert Johnson, Jr.-yes, Phil Kennedy-abstained due to being the appointee nominee, David Madigan-yes, Ron Nance-yes.

D. Chair to appoint FY23 Nominating Committee

ACTION: Mr. Fortney appointed Mr. Kennedy as committee chair, Mr. Madigan, and Ms. Blackburn.

E. Chair to appoint SAC (Security and Clearance) Committee

ACTION: Mr. Fortney appointed Mr. Johnson as committee chair, Mr. Brace and Mr. Madigan.

F. Consider approval of a First Amendment to the Service Agreement with Cornerstone Government Affairs, Inc., providing strategic consulting and

advocacy services to assist the FISTA Trust in dealing with federal, state and local governments and governmental and regulatory authorities, by (1) extending the term of the Agreement for an additional year beginning July 1, 2022, and (2) adding additional services to be provided by Cornerstone to the Agreement, and authorize the Chair and Secretary to execute the Extension of Agreement.

ACTION: Mr. Fortney read the passage from the agenda. Mr. Madigan moved to approve the First Amendment to the Cornerstone Service Agreement adding an additional year to the term of the Agreement and additional services, and authorize the Chair and Secretary to execute the First Amendment and to note the Agreement is for \$10,000/month for a total of \$120,000/year; Mr. Kennedy seconded the motion. The motion passed unanimously; copy of the First Amendment to the Agreement is attached and on file with the Office of the City Clerk.

- G. Consider approval of an Assignment and Assumption of Leases between the City of Lawton and the FISTA Trust effective on the date of the Lease Agreement between the City and Trust for the Lawton Central Mall, wherein the City is Assignor and the Trust is Assignee enabling the Trust to administer, observe, perform, fulfill and be bound by all the terms, covenants, conditions and obligations of the lessor under the existing retail leases which arose and accrue as of the date of the Lease Agreement between the City and Trust, and authorize the Chair and Secretary to execute the Assignment.**

ACTION: Mr. Fortney read the passage from the agenda. Mr. Brace moved to approve the proposed Assignment and Assumption of Leases between the City of Lawton and FISTA Trust effective on the date of the Lease Agreement between the City and Trust for the Lawton Central Mall amended to indicate “at the time called Lawton Central Mall but now known as Central Plaza”, and authorize the Chair and Secretary to execute the Assignment; Mr. Henry seconded the motion. The motion passed unanimously; a copy of the Assignment and Assumption of Leases attached and on file with the Office of the City Clerk.

- H. Consider approval of Change Order No. 1 to the Phase 1 reconstruction project at the former Sears building in Central Plaza in the amount of \$36,247 for the installation of a necessary 4-inch sanitary sewer line in place of a 3-inch line, and authorize the Chair and Secretary to execute the Change Order.**

ACTION: Mr. Fortney read the passage from the agenda. Mr. Brace moved to approve Change Order No. 1 in the amended amount of \$35,576 and authorize the Chair and Secretary to execute the Change Order; Mr. Nance seconded the motion. The motion passed unanimously; a copy of Change Order 1 and supporting documents attached and on file with the Office of the City Clerk.

- I. Consider approval of Change Order No. 2 to the Phase 1 reconstruction project at the former Sears building in Central Plaza in the amount of \$4,242 for the installation of an additional breaker in the new main electrical distribution panel, and authorize the Chair and Secretary to execute the Change Order.**

ACTION: Mr. Fortney read the passage from the agenda. Mr. Johnson moved to approve Change Order No. 2 in the amended amount of \$4,163 and authorize the Chair and Secretary to execute the Change Order; Mr. Kennedy seconded the motion. The motion passed unanimously; a copy of Change Order 2 and supporting documents attached and on file with the Office of the City Clerk.

IV. Reports

Mr. Taylor reported on the progress of the construction in FISTA 1 and April events. Mr. Brace shared work is already underway for FY23 Earmark and the FY22 Earmark is making its way to the FISTA. He also stated the contingency of FISTA Trustees and staff attended the Chamber of Commerce DC Fly-in to update Oklahoma Congressional staffers/Representatives/Senators about FISTA and it was very successful.

Ms. Blackburn indicated this will be her last meeting as a FISTA Ex-officio as her position as Lawton Business Women's President has ended.

Mr. Rogalski said the City Council is continuing to work on a mall TIF District and that a 10 Year Vision is being developed.

V. Adjourn

The Chairman adjourned the meeting by motion.