FISTA Development Trust Authority
Board Meeting Minutes

Lawton City Hall Banquet Hall
212 SW 9th Street, Lawton, Oklahoma 73501
June 7, 2022 @ 3:15 p.m.

Trustees Present: Dani Blackburn, Mark Brace, Jay Burk, Barry Ezerski, Clarence Fortney, Phil Kennedy, Ron Nance, and Richard Rogalski. Also, in attendance were Teira Cole and James Taylor.

Trustees Absent: Brian Henry, Albert Johnson, Jr., David Madigan, Vincent Saylor and Jace Zacharias

Guests: Kim McConnell, Jill Rodriguez, Nena Hardy, Eric Swanson, Sammie Powell, Greg Gibson, Michael Cleghorn, Cameron Goode, Frank Myers, Jennifer Ellis and Alan Hampton

I. Call to Order/Roll Call

II. Introduction of Guests

III. Business

A. Consider approval of minutes of the Trust Meeting on May 3, 2022
ACTION: Mr. Burk moved to approve the minutes of the Trust Meeting on May 3, 2022; Mr. Kennedy seconded the motion. The motion passed unanimously; a copy of the minutes attached.

*Albert Johnson, Jr. entered the meeting at this time.

B. Consider approval of April 2022 financials
ACTION: Ms. Blackburn stated the April financials were not ready to be presented as the property manager does not receive notice of percentage rents until 30 days after the close of the previous month which does not allow enough time to reconcile the bank statements with revenues/expenses. April 2022 financials will be considered at the July 2022 regular meeting.

C. Consider approval of Jennifer Ellis as Ex-Officio member of the FISTA Trust nominated by the Lawton Business Women under Article 4 of the Bylaws of the Trust
ACTION: Mr. Ezerski moved to appoint Jennifer Ellis as Ex-Officio member of the FISTA Trust nominated by the Lawton Business Women under Article 4 of the Bylaws of the Trust; Mr. Burk seconded the motion. The motion passed unanimously.

D. Consider approval of the Director's Employment Agreement for FY23 under the same terms and conditions as the previous year Agreement and authorize the Chair and Secretary to execute the Agreement
ACTION: Mr. Brace moved to approve the Director's Employment Agreement for FY23 under the same terms and conditions as the previous year Agreement and authorize the Chair and Secretary to execute the Agreement; Mr. Ezerski seconded

the motion. The motion passed unanimously; copy of the Agreement is attached and on file with the Office of the City Clerk.

E. **Consider approval of the proposed FISTA Trust Budget for FY23 and upon approval, direct the proposed Budget be submitted to the City of Lawton for its consideration and action**
ACTION: Mr. Brace presented the budget. Mr. Burk moved to approve the FY23 FISTA Trust Budget and directed the Budget be submitted to the City of Lawton for its consideration and action; Mr. Nance seconded the motion. The motion passed unanimously; copy of the budget is attached and on file with the Office of the City Clerk.

F. **Consider approval of the proposed Limited Funding and Support Agreement between the City of Lawton and FISTA Trust for FY23 and upon approval, authorize the Chair and Secretary to execute the Agreement and direct the proposed Agreement be submitted to the City of Lawton for its consideration and action**
ACTION: Mr. Burk moved to approve the Limited Funding and Support Agreement between the City of Lawton and FISTA Trust for FY23 and authorize the Chair and Secretary to execute the Agreement and direct the proposed Agreement be submitted to the City of Lawton for its consideration and action; Mr. Ezerski seconded the motion. The motion passed unanimously; copy of the Agreement attached and on file with the Office of the City Clerk.

G. **Consider approval of the renewed Agreement with Robert D. Turner, CPA, for external auditing services during FY23 and authorize the Chair and Secretary to execute the Agreement**
ACTION: Mr. Nance moved to approve the Agreement with Robert D. Turner and authorize the Chair and Secretary to execute the Agreement; Mr. Johnson seconded the motion. The motion passed unanimously; a copy of the Agreement attached and on file with the Office of the City Clerk.

H. **Consider approval of the renewed Agreement with Hatch, Croke and Associates, CPAs, for accounting services during FY23 and authorize the Chair and Secretary to execute the Agreement**
ACTION: Mr. Brace moved to approve the Agreement with Hatch, Croke and Associates and authorize the Chair and Secretary to execute the Agreement; Mr. Ezerski seconded the motion. The motion passed unanimously; a copy of the Agreement attached and on file with the Office of the City Clerk.

I. **Consider approval of the amended Parking License Agreement with the Comanche County Board of Commissioners in the increased amount of $1,020 and authorize the Chair and Secretary to execute the amended Agreement**
ACTION: Mr. Fortney stated a letter was sent to Commissioner Owens on May 11, 2022, providing notice of the lease rate increase Mr. Burk moved to approve the Parking License Agreement and authorize the Chair and Secretary to execute the amended Agreement; Mr. Brace seconded the motion. The motion passed unanimously; a copy of amended Agreement attached and on file with the Office of the City Clerk.

J. Consider approval of the remaining one-year renewal of the Central Mall Management and Maintenance Agreement, as amended, with InSight Commercial Real Estate Brokerage/InTouch Management Services and authorize the Chair and Secretary to execute the renewed Agreement
ACTION: Mr. Ezerski moved to approve the amended Agreement and authorize the Chair and Secretary to execute the Amended Agreement; Mr. Burk seconded the motion. The motion passed unanimously; a copy of the amended Agreement attached and on file with the Office of the City Clerk.

K. Under Article VI, Paragraph 9 of the FISTA Trust Indenture, consider appointing Danielle A. Blackburn as Assistant Treasurer, who will not be a Trustee, will be serving in a volunteer capacity, and will not be a compensated employee of the Trust
ACTION: For a point of clarification, Mr. Fortney stated Ms. Blackburn is being appointed as the nonpaid Assistant Treasurer as authorized by the Trust Indenture, not as an Ex-Officio member. Her appointment as the Assistant Treasurer is not as a Trustee or voting member, but as a nonpaid official of the Trust. Mr. Kennedy moved to appoint Danielle A. Blackburn as Assistant Treasurer; Mr. Nance seconded the motion. The motion passed unanimously.

L. Consider approval of proposed FY23 Slate of Officers
ACTION: Mr. Kennedy presented the FY23 Slate of Officers-Clarence Fortney as Chair, Mark Brace-Vice Chair, Barry Ezerski-Secretary and Phil Kennedy-Treasurer. Mr. Johnson moved to approve the FY23 Slate of Officers; Mr. Nance seconded the motion. The motion passed unanimously; Slate of Officers attached and on file with the Office of the City Clerk.

M. Chair to appoint FY23 Standing Committees (Construction and Nominating)
Construction Committee-Mr. Fortney appointed Mr. Ezerski (committee chair), Mr. Burk, Mr. Kennedy and Mr. Rogalski
Nominating Committee-Mr. Fortney appointed Mr. Kennedy (committee chair), Ms. Blackburn and Ms. Ellis

IV. Reports

Mr. Taylor reported on the progress of the construction in FISTA 1
Ms. Hardy reported on the Central Plaza activities and tenant statuses
Mr. Fortney read a memo regarding emergency repair at Central Plaza on May 26, 2022
Mr. Johnson stated the Cameron University engineering students will be presenting at the July FISTA Trust meeting
Mr. Myers invited everyone to the senate candidates debate hosted by the Young Professionals of Lawton on June 13th at 5:30 PM at Cameron University
Ms. Ellis invited everyone to Cosmetic Specialty Labs on June 8th from 5PM to 7PM for a reception for Senator Kim David who is running for Corporation Commissioner
Mr. Brace reminded everyone to add a FISTA Special Called meeting to their calendars for June 23rd

Mr. Burk and Mr. Ezerski left the meeting during reports.

V. Adjourn

The Chairman adjourned the meeting by motion.